

110TH CONGRESS
2D SESSION

H. R. 4137

AN ACT

To amend and extend the Higher Education Act of 1965,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “College Opportunity and Affordability Act of 2008”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

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1 **SEC. 2. REFERENCES; EFFECTIVE DATE.**

2 (a) REFERENCES.—Except as otherwise expressly
 3 provided therein, whenever in this Act an amendment or
 4 repeal is expressed in terms of an amendment to, or repeal
 5 of, a section or other provision, the reference shall be con-
 6 sidered to be made to a section or other provision of the
 7 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

8 (b) EFFECTIVE DATE.—Except as otherwise provided
 9 in this Act or the amendments made by this Act, the

1 amendments made by this Act shall be effective on the
2 date of enactment of this Act.

3 **TITLE I—TITLE I AMENDMENTS**

4 **SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDU-**
5 **CATION.**

6 (a) DEGREE PROGRAMS.—Section 101 (20 U.S.C.
7 1001) is amended—

8 (1) in subsection (a)(1), by inserting before the
9 semicolon the following: “, or persons who meet the
10 requirements of section 484(d)(3)”;

11 (2) in subsection (a)(3), by inserting “, or
12 awards a degree that is acceptable for admission to
13 a graduate or professional degree program, subject
14 to review and approval by the Secretary” after “such
15 a degree”; and

16 (3) by striking subsection (b)(2) and inserting
17 the following:

18 “(2) a public or nonprofit private educational
19 institution in any State that, in lieu of the require-
20 ment in subsection (a)(1), admits as regular stu-
21 dents persons—

22 “(A) who are beyond the age of compul-
23 sory school attendance in the State in which the
24 institution is located; or

1 “(B) who will be dually or concurrently en-
2 rolled in the institution and a secondary
3 school.”.

4 (b) INTERNATIONAL MEDICAL SCHOOLS.—Section
5 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

6 (1) in the first sentence, by inserting “nursing
7 school,” after “graduate medical school,”;

8 (2) in clause (i)—

9 (A) by striking “or” at the end of sub-
10 clause (I); and

11 (B) by striking subclause (II) and insert-
12 ing the following new subclauses:

13 “(II) the institution has or had a
14 clinical training program that was ap-
15 proved by a State as of January 1,
16 1992, and continues to operate a clin-
17 ical training program in at least one
18 State, which is approved by that
19 State; or

20 “(III) the institution—

21 “(aa) has a clinical training
22 program that was approved by a
23 State before January 1, 2008;

24 “(bb) certifies only unsub-
25 subsidized Stafford or PLUS loans

1 under part B of title IV to grad-
2 uate and professional students
3 attending the institution; and

4 “(cc) agrees to reimburse
5 the Secretary for the cost of any
6 loan defaults for students in-
7 cluded in the institution’s cohort
8 default rate during the previous
9 fiscal year; or”; and

10 (3) by striking the period at the end of clause
11 (ii) and inserting “; or”; and

12 (4) by adding at the end the following new
13 clause:

14 “(iii) in the case of a nursing school
15 located outside of the United States, the
16 institution—

17 “(I) has agreements with hos-
18 pitals or eligible nursing schools lo-
19 cated in the United States that in-
20 clude provisions for students to com-
21 plete their clinical training at such
22 hospitals and eligible nursing schools;

23 “(II) certifies only unsubsidized
24 Stafford and PLUS loans under part

1 B of title IV for students attending
2 the institution; and

3 “(III) agrees to reimburse the
4 Secretary for the cost of any loan de-
5 faults to the extent that the institu-
6 tion’s cohort default rate exceeds 5
7 percent.”.

8 (c) CONFORMING AMENDMENT CONCERNING 90/10
9 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C.
10 1002(b)(1)) is amended—

11 (1) by adding “and” after the semicolon in sub-
12 paragraph (D);

13 (2) by striking “; and” and inserting a period
14 in subparagraph (E); and

15 (3) by striking subparagraph (F).

16 (d) ADDITIONAL INSTITUTIONS.—Section 102 (20
17 U.S.C. 1002) is further amended—

18 (1) by striking subsection (b)(2) and inserting
19 the following:

20 “(2) ADDITIONAL INSTITUTIONS.—The term
21 ‘proprietary institution of higher education’ also in-
22 cludes a proprietary educational institution in any
23 State that, in lieu of the requirement in section
24 101(a)(1), admits as regular students individuals—

1 “(A) who are beyond the age of compul-
2 sory school attendance in the State in which the
3 institution is located; or

4 “(B) who will be dually or concurrently en-
5 rolled in the institution and a secondary
6 school.”; and

7 (2) by striking subsection (c)(2) and inserting
8 the following:

9 “(2) **ADDITIONAL INSTITUTIONS.**—The term
10 ‘postsecondary vocational institution’ also includes
11 an educational institution in any State that, in lieu
12 of the requirement in section 101(a)(1), admits as
13 regular students individuals—

14 “(A) who are beyond the age of compul-
15 sory school attendance in the State in which the
16 institution is located; or

17 “(B) who will be dually or concurrently en-
18 rolled in the institution and a secondary
19 school.”.

20 **SEC. 102. ADDITIONAL DEFINITIONS.**

21 (a) **AMENDMENT.**—Section 103 (20 U.S.C. 1003) is
22 amended—

23 (1) by adding at the end the following new
24 paragraphs:

1 “(17) AUTHORIZING COMMITTEES.—The term
2 ‘authorizing committees’ means the Committee on
3 Health, Education, Labor, and Pensions of the Sen-
4 ate and the Committee on Education and Labor of
5 the House of Representatives.

6 “(18) CRITICAL FOREIGN LANGUAGE.—Except
7 as otherwise provided, the term ‘critical foreign lan-
8 guage’ means each of the languages contained in the
9 list of critical languages designated by the Secretary
10 in the Federal Register on August 2, 1985 (50 Fed.
11 Reg. 149, 31412; promulgated under the authority
12 of section 212(d) of the Education for Economic Se-
13 curity Act (repealed by section 2303 of the Augustus
14 F. Hawkins-Robert T. Stafford Elementary and Sec-
15 ondary School Improvement Amendments of 1988));
16 as updated by the Secretary from time to time and
17 published in the Federal Register, except that in the
18 implementation of this definition with respect to a
19 specific title, the Secretary may set priorities accord-
20 ing to the purposes of such title and the national se-
21 curity, economic competitiveness, and educational
22 needs of the United States.

23 “(19) DISCONNECTED STUDENTS.—The term
24 ‘disconnected students’ means students who are—

1 “(A) homeless children and youths, as such
2 term is defined in section 725 of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C.
4 11434a);

5 “(B) orphans, in foster care, or wards of
6 the court, or who were in foster care or were
7 wards of the court until the students reached
8 the age of 16;

9 “(C) adjudicated or convicted juveniles, or
10 who were adjudicated juveniles until the juve-
11 niles reached the upper age of juvenile court ju-
12 risdiction, or who were convicted juveniles who
13 completed the sentence for the juvenile convic-
14 tion prior to reaching the age of majority; or

15 “(D) pregnant or parenting youth.

16 “(20) DISTANCE EDUCATION.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided, the term ‘distance education’ means
19 education that uses 1 or more of the tech-
20 nologies described in subparagraph (B)—

21 “(i) to deliver instruction to students
22 who are separated from the instructor; and

23 “(ii) to support regular and sub-
24 stantive interaction between the students

1 and the instructor, synchronously or asyn-
2 chronously.

3 “(B) INCLUSIONS.—For the purposes of
4 subparagraph (A), the technologies used may
5 include—

6 “(i) the Internet;

7 “(ii) one-way and two-way trans-
8 missions through open broadcast, closed
9 circuit, cable, microwave, broadband lines,
10 fiber optics, satellite, or wireless commu-
11 nications devices;

12 “(iii) audio conferencing; or

13 “(iv) video cassette, DVDs, and CD-
14 ROMs, if the cassette, DVDs, and CD-
15 ROMs are used in a course in conjunction
16 with the technologies listed in clauses (i)
17 through (iii).

18 “(21) HIGH-NEED SCHOOL.—Except with re-
19 spect to title II, the term ‘high-need school’ means
20 a public or nonprofit private elementary or sec-
21 ondary school which is in a local educational agency
22 which is eligible for assistance pursuant to title I of
23 the Elementary and Secondary Education Act of
24 1965 in the applicable fiscal year, and which for the
25 purpose of this paragraph and for that year was de-

1 terminated by the Secretary (pursuant to regulations
2 and after consultation with the State educational
3 agency of the State in which the school is located)
4 to be a school in which the enrollment of children
5 counted under section 1113(a)(5) of the Elementary
6 and Secondary Education Act of 1965 exceeds 30
7 percent of the total enrollment of that school.

8 “(22) LIMITED ENGLISH PROFICIENT.—The
9 term ‘limited English proficient’ has the meaning
10 given such term in section 9101 of the Elementary
11 and Secondary Education Act of 1965.

12 “(23) UNIVERSAL DESIGN.—The term ‘uni-
13 versal design’ means a concept or philosophy for de-
14 signing and delivering products and services that are
15 usable by people with the widest possible range of
16 functional capabilities, which include products and
17 services that are directly accessible (without requir-
18 ing assistive technologies) and products and services
19 that are interoperable with assistive technologies.

20 “(24) UNIVERSAL DESIGN FOR LEARNING.—
21 The term ‘universal design for learning’ means a re-
22 search-based framework for designing curriculum
23 (including goals, methods, materials, and assess-
24 ments) that—

1 “(A) provides curricular flexibility in the
2 ways information is presented, in the ways stu-
3 dents respond or demonstrate knowledge, and
4 in the ways students are engaged; and

5 “(B) reduces barriers in instruction and
6 assessment, provides appropriate supports and
7 challenges, and maintains high achievement
8 standards for all students, including students
9 with disabilities.”; and

10 (2) by reordering paragraphs (1) through (16)
11 and the paragraphs added by paragraph (1) of this
12 subsection in alphabetical order based on the head-
13 ings of such paragraphs, and renumbering such
14 paragraphs as so reordered.

15 (b) CONFORMING AMENDMENTS.—The Act (20
16 U.S.C. 1001 et seq.) is amended—

17 (1) in section 131(a)(3)(B) (20 U.S.C.
18 1015(a)(3)(B)), by striking “Committee on Labor
19 and Human Resources of the Senate and the Com-
20 mittee on Education and the Workforce of the
21 House of Representatives” and inserting “author-
22 izing committees”;

23 (2) in section 141(d)(4)(B) (20 U.S.C.
24 1018(d)(4)(B)), by striking “Committee on Edu-
25 cation and the Workforce of the House of Rep-

1 representatives and the Committee on Labor and
2 Human Resources of the Senate” and inserting “au-
3 thorizing committees”;

4 (3) in section 401(f)(3) (20 U.S.C.
5 1070a(f)(3)), by striking “to the Committee on Ap-
6 propriations” and all that follows through “House of
7 Representatives” and inserting “to the Committee
8 on Appropriations of the Senate, the Committee on
9 Appropriations of the House of Representatives, and
10 the authorizing committees”;

11 (4) in section 428 (20 U.S.C. 1078)—

12 (A) in subsection (c)(9)(K), by striking
13 “House Committee on Education and the
14 Workforce and the Senate Committee on Labor
15 and Human Resources” and inserting “author-
16 izing committees”;

17 (B) in the matter following paragraph (2)
18 of subsection (g), by striking “Committee on
19 Labor and Human Resources of the Senate and
20 the Committee on Education and the Workforce
21 of the House of Representatives” and inserting
22 “authorizing committees”; and

23 (C) in subsection (n)(4), by striking “Com-
24 mittee on Education and the Workforce of the
25 House of Representatives and the Committee

1 on Labor and Human Resources of the Senate”
2 and inserting “authorizing committees”;

3 (5) in section 428A(c) (20 U.S.C. 1078–1(c))—

4 (A) in the matter preceding subparagraph
5 (A) of paragraph (2), by striking “Chair-
6 person” and all that follows through “House of
7 Representatives” and inserting “members of the
8 authorizing committees”;

9 (B) in paragraph (3), by striking “Chair-
10 person” and all that follows through “House of
11 Representatives” and inserting “members of the
12 authorizing committees”; and

13 (C) in paragraph (5), by striking “Chair-
14 person” and all that follows through “House of
15 Representatives” and inserting “members of the
16 authorizing committees”;

17 (6) in section 432 (20 U.S.C. 1082)—

18 (A) in subsection (f)(1)(C), by striking
19 “the Committee on Education and the Work-
20 force of the House of Representatives or the
21 Committee on Labor and Human Resources of
22 the Senate” and inserting “either of the author-
23 izing committees”; and

24 (B) in the matter following subparagraph

25 (D) of subsection (n)(3), by striking “Com-

1 mittee on Education and the Workforce of the
2 House of Representatives and the Committee
3 on Labor and Human Resources of the Senate”
4 and inserting “authorizing committees”;

5 (7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)),
6 by striking “Committee on Education and the Work-
7 force of the House of Representatives and the Com-
8 mittee on Labor and Human Resources of the Sen-
9 ate” and inserting “authorizing committees”;

10 (8) in section 439 (20 U.S.C. 1087–2)—

11 (A) in subsection (d)(1)(E)(iii), by striking
12 “advise the Chairman” and all that follows
13 through “House of Representatives” and insert-
14 ing “advise the members of the authorizing
15 committees”;

16 (B) in subsection (r)—

17 (i) in paragraph (3), by striking “in-
18 form the Chairman” and all that follows
19 through “House of Representatives,” and
20 inserting “inform the members of the au-
21 thorizing committees”;

22 (ii) in paragraph (5)(B), by striking
23 “plan, to the Chairman” and all that fol-
24 lows through “Education and Labor” and

1 inserting “plan, to the members of the au-
2 thorizing committees”;

3 (iii) in paragraph (6)(B)—

4 (I) by striking “plan, to the
5 Chairman” and all that follows
6 through “House of Representatives”
7 and inserting “plan, to the members
8 of the authorizing committees”; and

9 (II) by striking “Chairmen and
10 ranking minority members of such
11 Committees” and inserting “members
12 of the authorizing committees”;

13 (iv) in paragraph (8)(C), by striking
14 “implemented to the Chairman” and all
15 that follows through “House of Represent-
16 atives, and” and inserting “implemented to
17 the members of the authorizing commit-
18 tees, and to”; and

19 (v) in the matter preceding subpara-
20 graph (A) of paragraph (10), by striking
21 “days to the Chairman” and all that fol-
22 lows through “Education and Labor” and
23 inserting “days to the members of the au-
24 thorizing committees”; and

25 (C) in subsection (s)(2)—

1 (i) in the matter preceding clause (i)
2 of subparagraph (A), by striking “Treas-
3 ury and to the Chairman” and all that fol-
4 lows through “House of Representatives”
5 and inserting “Treasury and to the mem-
6 bers of the authorizing committees”; and

7 (ii) in subparagraph (B), by striking
8 “Treasury and to the Chairman” and all
9 that follows through “House of Represent-
10 atives” and inserting “Treasury and to the
11 members of the authorizing committees”;

12 (9) in section 455(b)(8)(B) (20 U.S.C.
13 1087e(b)(8)(B)), by striking “Committee on Labor
14 and Human Resources of the Senate and the Com-
15 mittee on Education and the Workforce of the
16 House of Representatives” and inserting “author-
17 izing committees”;

18 (10) in section 482(d) (20 U.S.C. 1089(d)), by
19 striking “Committee on Labor and Human Re-
20 sources of the Senate and the Committee on Edu-
21 cation and Labor of the House of Representatives”
22 and inserting “authorizing committees”;

23 (11) in section 483(c) (20 U.S.C. 1090(c)), by
24 striking “Committee on Labor and Human Re-
25 sources of the Senate and the Committee on Edu-

1 cation and the Workforce of the House of Rep-
2 resentatives” and inserting “authorizing commit-
3 tees”;

4 (12) in section 485 (20 U.S.C. 1092)—

5 (A) in subsection (f)(5)(A), by striking
6 “Committee on Education and the Workforce of
7 the House of Representatives and the Com-
8 mittee on Labor and Human Resources of the
9 Senate” and inserting “authorizing commit-
10 tees”; and

11 (B) in subsection (g)(4)(B), by striking
12 “Committee on Education and the Workforce of
13 the House of Representatives and the Com-
14 mittee on Labor and Human Resources of the
15 Senate” and inserting “authorizing commit-
16 tees”;

17 (13) in section 486 (20 U.S.C. 1093)—

18 (A) in subsection (e), by striking “Com-
19 mittee on Labor and Human Resources of the
20 Senate and the Committee on Education and
21 the Workforce of the House of Representatives”
22 and inserting “authorizing committees”; and

23 (B) in subsection (f)(3)—

24 (i) in the matter preceding clause (i)
25 of subparagraph (A), by striking “Com-

1 mittee on Labor and Human Resources of
2 the Senate and the Committee on Edu-
3 cation and the Workforce of the House of
4 Representatives” and inserting “author-
5 izing committees”; and

6 (ii) in the matter preceding clause (i)
7 of subparagraph (B), by striking “Com-
8 mittee on Labor and Human Resources of
9 the Senate and the Committee on Edu-
10 cation and the Workforce of the House of
11 Representatives” and inserting “author-
12 izing committees”;

13 (14) in section 487A(a)(5) (20 U.S.C.
14 1094a(a)(5)), by striking “Committee on Labor and
15 Human Resources of the Senate and the Committee
16 on Education and the Workforce of the House of
17 Representatives” and inserting “authorizing commit-
18 tees”; and

19 (15) in section 498B(d) (20 U.S.C. 1099c-
20 2(d))—

21 (A) in paragraph (1), by striking “Com-
22 mittee on Labor and Human Resources of the
23 Senate and the Committee on Education and
24 the Workforce of the House of Representatives”
25 and inserting “authorizing committees”; and

1 (B) in paragraph (2), by striking “Com-
 2 mittee on Labor and Human Resources of the
 3 Senate and the Committee on Education and
 4 the Workforce of the House of Representatives”
 5 and inserting “authorizing committees”.

6 **SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL**
 7 **STUDENT ASSISTANCE.**

8 Section 113 (20 U.S.C. 1011b) is amended—

9 (1) by striking “**TREATMENT OF TERRI-**
 10 **TORIES AND TERRITORIAL STUDENT ASSIST-**
 11 **ANCE**” in the heading of such section and inserting
 12 “**TERRITORIAL WAIVER AUTHORITY**”; and

13 (2) by striking “(a) **WAIVER AUTHORITY.—**”;
 14 and

15 (3) by striking subsection (b).

16 **SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITU-**
 17 **TIONAL QUALITY AND INTEGRITY.**

18 (a) **AMENDMENT.**—Section 114 (20 U.S.C. 1011c) is
 19 amended to read as follows:

20 **“SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITU-**
 21 **TIONAL QUALITY AND INTEGRITY.**

22 “(a) **ESTABLISHMENT.**—There is established in the
 23 Department a National Advisory Committee on Institu-
 24 tional Quality and Integrity (in this section referred to as
 25 the ‘Committee’) to assess the process of accreditation and

1 the institutional eligibility and certification of such institu-
2 tions under title IV.

3 “(b) MEMBERSHIP.—

4 “(1) IN GENERAL.—The Committee shall have
5 18 members, of which—

6 “(A) 6 members shall be appointed by the
7 Secretary;

8 “(B) 6 members shall be appointed by the
9 Speaker of the House of Representatives, 3
10 members on the recommendation of the major-
11 ity leader of the House of Representatives, and
12 3 members on the recommendation of the mi-
13 nority leader of the House of Representatives;
14 and

15 “(C) 6 members shall be appointed by the
16 President pro tempore of the Senate, 3 mem-
17 bers on the recommendation of the majority
18 leader of the Senate, and 3 members on the
19 recommendation of the minority leader of the
20 Senate.

21 “(2) QUALIFICATIONS.—Individuals shall be ap-
22 pointed as members of the Committee—

23 “(A) on the basis of the individuals’ experi-
24 ence, integrity, impartiality, and good judg-
25 ment;

1 “(B) from among individuals who are rep-
2 resentatives of, or knowledgeable concerning,
3 education and training beyond secondary edu-
4 cation, representing all sectors and types of in-
5 stitutions of higher education (as defined in sec-
6 tion 102); and

7 “(C) on the basis of the individuals’ tech-
8 nical qualifications, professional standing, and
9 demonstrated knowledge in the fields of accredi-
10 tation and administration in higher education.

11 “(3) TERMS OF MEMBERS.—Except as provided
12 in paragraph (5), the term of office of each member
13 of the Committee shall be for 6 years, except that
14 any member appointed to fill a vacancy occurring
15 prior to the expiration of the term for which the
16 member’s predecessor was appointed shall be ap-
17 pointed for the remainder of such term.

18 “(4) VACANCY.—A vacancy on the Committee
19 shall be filled in the same manner as the original ap-
20 pointment was made not later than 90 days after
21 the vacancy occurs. If a vacancy occurs in a position
22 to be filled by the Secretary, the Secretary shall pub-
23 lish a Federal Register notice soliciting nominations
24 for the position not later than 30 days after being
25 notified of the vacancy.

1 “(5) INITIAL TERMS.—The terms of office for
2 the initial members of the Committee shall be—

3 “(A) 3 years for members appointed under
4 paragraph (1)(A);

5 “(B) 4 years for members appointed under
6 paragraph (1)(B); and

7 “(C) 6 years for members appointed under
8 paragraph (1)(C).

9 “(6) CHAIRPERSON.—The members of the
10 Committee shall select a chairperson from among
11 the members.

12 “(c) FUNCTIONS.—The Committee shall—

13 “(1) advise the Secretary with respect to estab-
14 lishment and enforcement of the standards of ac-
15 crediting agencies or associations under subpart 2 of
16 part H of title IV;

17 “(2) advise the Secretary with respect to the
18 recognition of a specific accrediting agency or asso-
19 ciation;

20 “(3) advise the Secretary with respect to the
21 preparation and publication of the list of nationally
22 recognized accrediting agencies and associations;

23 “(4) advise the Secretary with respect to the
24 eligibility and certification process for institutions of

1 higher education under title IV, together with rec-
2 ommendations for improvements in such process;

3 “(5) advise the Secretary with respect to the re-
4 lationship between—

5 “(A) accreditation of institutions of higher
6 education and the certification and eligibility of
7 such institutions; and

8 “(B) State licensing responsibilities with
9 respect to such institutions;

10 “(6) take into consideration the complaints, and
11 the resolution of such complaints, received by the
12 ombudsman described in section 497 when advising
13 the Secretary with respect to the recognition of a
14 specific accrediting agency or association; and

15 “(7) carry out such other advisory functions re-
16 lating to accreditation and institutional eligibility as
17 the Secretary may prescribe by regulation.

18 “(d) MEETING PROCEDURES.—

19 “(1) SCHEDULE.—

20 “(A) BIENNIAL MEETINGS.—The Com-
21 mittee shall meet not less often than twice each
22 year, at the call of the Chairperson.

23 “(B) PUBLICATION OF DATE.—The Com-
24 mittee shall submit the date and location of
25 each meeting in advance to the Secretary, and

1 the Secretary shall publish such information in
2 the Federal Register not later than 30 days be-
3 fore the meeting.

4 “(2) AGENDA.—

5 “(A) ESTABLISHMENT.—The agenda for a
6 meeting of the Committee shall be established
7 by the Chairperson and shall be submitted to
8 the members of the Committee upon notifica-
9 tion of the meeting.

10 “(B) OPPORTUNITY FOR PUBLIC COM-
11 MENT.—The agenda shall include, at a min-
12 imum, opportunity for public comment during
13 the Committee’s deliberations.

14 “(3) FEDERAL ADVISORY COMMITTEE ACT.—
15 The provisions of the Federal Advisory Committee
16 Act (5 U.S.C. App.) shall apply to the Committee,
17 except that section 14 of such Act shall not apply.

18 “(e) LIMITATION.—The Committee shall not rec-
19 ommend denial of an application related to the recognition
20 of an accrediting agency or association for any reason
21 other than a reason set forth in section 496.

22 “(f) REPORT AND NOTICE.—

23 “(1) NOTICE.—The Secretary shall annually
24 publish in the Federal Register—

1 “(A) a list containing, for each member of
2 the Committee—

3 “(i) the member’s name;

4 “(ii) the date of the expiration of the
5 member’s term of office; and

6 “(iii) the individual described in sub-
7 section (b)(1) who appointed the member;
8 and

9 “(B) a solicitation of nominations for each
10 expiring term of office on the Committee of a
11 member appointed by the Secretary.

12 “(2) REPORT.—Not later than September 30 of
13 each year, the Committee shall make an annual re-
14 port to the Secretary, the authorizing committees,
15 and the public. The annual report shall contain—

16 “(A) a detailed summary of the agenda
17 and activities of, and the findings and rec-
18 ommendations made by, the Committee during
19 the preceding fiscal year;

20 “(B) a list of the date and location of each
21 meeting during the preceding fiscal year;

22 “(C) a list of the members of the Com-
23 mittee and appropriate contact information;
24 and

1 “(D) a list of the functions of the Com-
 2 mittee, including any additional functions estab-
 3 lished by the Secretary through regulation.

4 “(g) TERMINATION.—The Committee shall terminate
 5 on September 30, 2012.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall be effective January 1, 2009.

8 **SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.**

9 Section 120 (20 U.S.C. 1011i) is amended—

10 (1) in subsection (a)(2)—

11 (A) in subparagraph (A), by striking
 12 “and” after the semicolon;

13 (B) by redesignating subparagraph (B) as
 14 subparagraph (D); and

15 (C) by inserting after subparagraph (A)
 16 (as amended by subparagraph (A) of this para-
 17 graph) the following:

18 “(B) determine the number of drug and al-
 19 cohol-related incidents and fatalities that—

20 “(i) occur on the institution’s property
 21 or as part of any of the institution’s activi-
 22 ties; and

23 “(ii) are reported to the institution;

24 “(C) determine the number and type of
 25 sanctions described in paragraph (1)(E) that

1 are imposed by the institution as a result of
 2 drug and alcohol-related incidents and fatalities
 3 on the institution’s property or as part of any
 4 of the institution’s activities; and”;

5 (2) in subsection (e)(5), by striking “1999” and
 6 inserting “2009”; and

7 (3) by striking subsection (f).

8 **SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.**

9 Section 121(a) (20 U.S.C. 1011j(a)) is amended—

10 (1) in paragraph (1), by striking “1999 and for
 11 each of the 4 succeeding fiscal years” and inserting
 12 “2009 and for each succeeding fiscal year”; and

13 (2) in paragraph (2), by striking “1999 and for
 14 each of the 4 succeeding fiscal years” and inserting
 15 “2009 and for each succeeding fiscal year”.

16 **SEC. 107. IMPROVED INFORMATION CONCERNING THE FED-**
 17 **ERAL STUDENT FINANCIAL AID WEBSITE.**

18 Section 131 (20 U.S.C. 1015) is amended by striking
 19 subsection (d) and inserting the following:

20 “(d) PROMOTION OF THE DEPARTMENT OF EDU-
 21 CATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—

22 The Secretary—

23 “(1) shall display a link to the Federal student
 24 financial aid website of the Department of Edu-

1 cation in a prominent place on the homepage of the
2 Department of Education website; and

3 “(2) may use administrative funds available for
4 the Department’s operations and expenses for the
5 purpose of advertising and promoting the availability
6 of the Federal student financial aid website.

7 “(e) PROMOTION OF AVAILABILITY OF INFORMATION
8 CONCERNING STUDENT FINANCIAL AID PROGRAMS OF
9 OTHER DEPARTMENTS AND AGENCIES.—

10 “(1) AVAILABILITY OF INFORMATION.—Not
11 later than 90 days after the Secretary receives the
12 information required under paragraph (2), the Sec-
13 retary shall ensure that the eligibility requirements,
14 application procedures, financial terms and condi-
15 tions, and other relevant information for each non-
16 departmental student financial assistance program
17 are easily accessible through the Federal student fi-
18 nancial aid website and are incorporated into the
19 search matrix on such website in a manner that per-
20 mits students and parents to readily identify the
21 programs that are appropriate to their needs and eli-
22 gibility.

23 “(2) AGENCY RESPONSE.—Each Federal de-
24 partment and agency shall promptly respond to sur-
25 veys or other requests for the information required

1 by paragraph (1), and shall identify for the Sec-
 2 retary any non-departmental student financial as-
 3 sistance program operated, sponsored, or supported
 4 by such Federal department or agency.

5 “(3) DEFINITION.—For purposes of this sub-
 6 section, the term ‘non-departmental student finan-
 7 cial assistance program’ means any grant, loan,
 8 scholarship, fellowship, or other form of financial aid
 9 for students pursuing a postsecondary education
 10 that is—

11 “(A) distributed directly to the student or
 12 to the student’s account at on institution of
 13 higher education; and

14 “(B) operated, sponsored, or supported by
 15 a Federal department or agency other than the
 16 Department of Education.”.

17 **SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE**
 18 **EDUCATION.**

19 Part C of title I (20 U.S.C. 1015) is amended by
 20 adding at the end the following new section:

21 **“SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE**
 22 **EDUCATION.**

23 “(a) MAINTENANCE OF EFFORT REQUIRED.—A
 24 State shall provide—

1 “(1) for public institutions of higher education
2 in such State for any academic year beginning on or
3 after July 1, 2008, an amount which is equal to or
4 greater than the average amount provided for non-
5 capital and non-direct research and development ex-
6 penses or costs by such State to such institutions of
7 higher education during the 5 most recent preceding
8 academic years for which satisfactory data are avail-
9 able; and

10 “(2) for private institutions of higher education
11 in such State for any academic year beginning on or
12 after July 1, 2008, an amount which is equal to or
13 greater than the average amount provided for stu-
14 dent financial aid for paying costs associated with
15 postsecondary education by such State to such insti-
16 tutions during the 5 most recent preceding academic
17 years for which satisfactory data are available.

18 “(b) WAIVER.—The Secretary shall waive the re-
19 quirements of subsection (a), if the Secretary determines
20 that such a waiver would be equitable due to exceptional
21 or uncontrollable circumstances, such as a natural disaster
22 or a precipitous and unforeseen decline in the financial re-
23 sources of a State or State educational agency, as appro-
24 priate.

1 “(c) VIOLATION OF MAINTENANCE OF EFFORT.—

2 Notwithstanding any other provision of law, the Secretary
3 shall withhold from any State that violates subsection (a)
4 and does not receive a waiver pursuant to subsection (b)
5 any amount that would otherwise be available to the State
6 under section 415E until such State has made significant
7 efforts to correct such violation.

8 “(d) RESEARCH INTO COST CONTAINMENT METH-
9 ODS.—The Secretary is authorized—

10 “(1) to identify methods of cost containment
11 currently utilized by institutions of higher education
12 and systems of such institutions, and research into
13 other possible methods of cost containment;

14 “(2) to disseminate—

15 “(A) the information obtained by such re-
16 search to such institutions and systems; and

17 “(B) other information concerning re-
18 search that has identified successful methods of
19 cost containment;

20 “(3) to publicly recognize institutions of higher
21 education that are doing an effective job at cost con-
22 tainment; and

23 “(4) to work together with such institutions
24 and systems to implement these methods.”.

1 **SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CON-**
2 **SUMERS.**

3 (a) AMENDMENT TO TITLE I.—Part C of title I (20
4 U.S.C. 1015) is amended by adding after section 132 (as
5 added by section 108 of this Act) the following new sec-
6 tion:

7 **“SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CON-**
8 **SUMERS.**

9 “(a) COLLEGE AFFORDABILITY AND TRANSPARENCY
10 LISTS.—Effective July 1, 2011, the Secretary shall annu-
11 ally update and make publicly available on the College
12 Navigator website, in a manner that is sortable by State,
13 the following lists:

14 “(1) A list of the top 5 percent of the institu-
15 tions in each category (as defined by subsection (b))
16 that have the highest tuition and fees.

17 “(2) A list of the top 5 percent of the institu-
18 tions in each such category that have the lowest tui-
19 tion and fees.

20 “(3) A list of the top 5 percent of the institu-
21 tions in each such category that have the largest in-
22 crease, expressed as a percentage change, in their
23 tuition and fees over the most recent three year pe-
24 riod for which satisfactory data is available.

1 “(b) CATEGORIES OF INSTITUTIONS.—The following
2 categories shall be used in compiling the information in
3 subsection (a):

4 “(1) 4-year public institutions of higher edu-
5 cation.

6 “(2) 4-year private, nonprofit institutions of
7 higher education.

8 “(3) 4-year private, for-profit institutions of
9 higher education.

10 “(4) 2-year public institutions of higher edu-
11 cation.

12 “(5) 2-year private, nonprofit institutions of
13 higher education.

14 “(6) 2-year private, for-profit institutions of
15 higher education.

16 “(7) Less than 2-year public institutions of
17 higher education.

18 “(8) Less than 2-year private, nonprofit institu-
19 tions of higher education.

20 “(9) Less than 2-year private, for-profit institu-
21 tions of higher education.

22 “(10) All types of institutions described in
23 paragraphs (1) through (9).

24 “(c) INSTITUTION REPORTS.—If an institution of
25 higher education appears on the list described in sub-

1 section (a)(3), the institution or a representative associa-
2 tion designated by the institution shall submit to the Sec-
3 retary the following information:

4 “(1) A description of the factors contributing to
5 the increase in the institution’s tuition and fees, in-
6 cluding an identification of the major areas in the
7 institution’s budget with the greatest cost increases.

8 “(2) If determinations of tuition and fee in-
9 creases are not within the exclusive control of the in-
10 stitution, a description of the agency or instrumen-
11 tality of State government or other entity that par-
12 ticipates in such determinations, and the authority
13 exercised by such agency, instrumentality, or entity.

14 “(d) QUALITY EFFICIENCY TASK FORCES.—(1)
15 Each institution that is required to submit information by
16 subsection (c) shall establish a quality-efficiency task force
17 to—

18 “(A) review the operations of such institution;

19 “(B) analyze institutional operating costs in
20 comparison with such costs at other institutions
21 within the same category of institutions;

22 “(C) identify areas where, in comparison with
23 other institutions in such category, the institution
24 operates more expensively to produce a similar re-
25 sult;

1 “(D) develop annual benchmarks for the insti-
2 tution to reduce costs in areas identified under sub-
3 paragraph (C);

4 “(E) conduct an in-depth analysis of such iden-
5 tified areas for cost reduction opportunities; and

6 “(F) submit a report to the Secretary and the
7 institution on the results of the review and analysis
8 conducted under this subsection.

9 “(2) An institution of higher education that does not
10 meet the benchmarks established under paragraph (1)(D)
11 shall provide to the Secretary a detailed explanation of the
12 reasons why the institution did not meet such benchmarks.

13 “(e) INFORMATION TO THE PUBLIC.—The Secretary
14 shall compile the information submitted under subsections
15 (c) and (d) and shall submit an annual report summa-
16 rizing such information to the authorizing committees and
17 publish such report on the College Navigator website.

18 “(f) EXEMPTIONS.—An institution shall not be
19 placed on the list required under subsection (a)(3) and
20 shall not be subject to the reporting in subsection (c) if,
21 for the 3-year interval described in subsection (a)(3) the
22 institution meets the following criteria:

23 “(1) With respect to the category of institutions
24 described in subsection (b) to which the institution
25 belongs, the computed price of the institution is in

1 the lowest quartile of institutions within such cat-
 2 egory, as determined by the Secretary, during the
 3 last year of such 3-year interval.

4 “(2) The dollar amount of the institution’s in-
 5 crease in its full price, as computed under subsection
 6 (a)(3), is less than \$500 for such 3-year interval.

7 “(g) STATE HIGHER EDUCATION APPROPRIATIONS
 8 CHART.—The Secretary shall annually report on the Col-
 9 lege Navigator website, in charts for each State—

10 “(1) a comparison of—

11 “(A) the percentage change in State ap-
 12 propriations per full-time equivalent student in
 13 each public institution of higher education in
 14 the State for each of the 5 most recent pre-
 15 ceding academic years; to

16 “(B) the percentage change in tuition and
 17 fees for each public institution of higher edu-
 18 cation in the State for each of the 5 most re-
 19 cent preceding academic years; and

20 “(2) the total amount of need-based and merit-
 21 based aid provided by the State to full-time equiva-
 22 lent students attending an institution of higher edu-
 23 cation in the State.

24 “(h) AVAILABILITY OF NET PRICE INFORMATION.—

1 “(1) NET PRICE.—In this section, the term ‘net
2 price’ means the average yearly tuition and fees ac-
3 tually charged to a full-time undergraduate student
4 receiving student aid at an institution of higher edu-
5 cation, after deduction of any discounts and Federal
6 and State aid, and any other institutional aid, that
7 reduce the full price of tuition and fees at the insti-
8 tution, as determined in accordance with regulations
9 prescribed by the Secretary.

10 “(2) NET PRICE CALCULATOR.—

11 “(A) DEVELOPMENT.—Not later than 1
12 year after the date of enactment of the College
13 Opportunity and Affordability Act of 2007, the
14 Secretary shall, in consultation with institutions
15 of higher education, develop a net price calcu-
16 lator to help students, families, and consumers
17 determine the net price of an institution of
18 higher education. The calculator shall be devel-
19 oped in a manner that permits students to de-
20 termine an estimate of their individual net price
21 of attendance for an institution.

22 “(B) USE OF NET PRICE CALCULATOR BY
23 INSTITUTIONS.—Not later than 3 years after
24 the date of enactment of the College Oppor-
25 tunity and Affordability Act of 2007, each insti-

1 tution of higher education that receives Federal
2 funds under this Act shall adopt and make
3 available for use on the institution’s website the
4 net price calculator developed under subpara-
5 graph (A) to help students, families, and other
6 consumers determine the net price of such insti-
7 tution of higher education.

8 “(i) POSTSECONDARY EDUCATION PRICE INDICES.—

9 Not later than 1 year after the date of enactment of the
10 College Opportunity and Affordability Act of 2007, the
11 Bureau of Labor Statistics, in consultation with the Com-
12 missioner of Education Statistics and representatives of
13 institutions of higher education, shall develop, for inclu-
14 sion in the higher education pricing summary page re-
15 quired under subsection (j)(3), postsecondary education
16 price indices that accurately reflect the annual change in
17 tuition and fees for undergraduate students in the cat-
18 egories of institutions described in subsection (b). Such
19 indices shall be updated annually. Prior to the completion
20 of the postsecondary education price indices, the Secretary
21 is authorized to use an alternative, comparable index or
22 indices.

23 “(j) CONSUMER COST INFORMATION.—

24 “(1) INFORMATION FROM INSTITUTIONS.—Not
25 later than 1 year after the date of enactment of the

1 College Opportunity and Affordability Act of 2007,
2 the Secretary shall post on the College Navigator
3 website and make available to institutions of higher
4 education, students, families, and other consumers,
5 in a consumer-friendly manner, the following infor-
6 mation about each institution of higher education for
7 the most recent academic year for which the Sec-
8 retary has available data:

9 “(A) A statement of the institution’s mis-
10 sion and specialties.

11 “(B) Total number of undergraduate stu-
12 dents who applied, were admitted, and enrolled
13 at the institution.

14 “(C) Where applicable, reading, writing,
15 mathematics, and combined scores on the SAT
16 or ACT for the middle 50 percent range of the
17 institution’s freshman class.

18 “(D) Enrollment of full-time, part-time,
19 and transfer students at the institution, at the
20 undergraduate and (where applicable) graduate
21 levels.

22 “(E) Percentage of male and female un-
23 dergraduate students enrolled at the institution.

24 “(F) Percentage of enrolled undergraduate
25 students from the State in which the institution

1 is located, from other States, and from other
2 countries.

3 “(G) Percentage of enrolled undergraduate
4 students at the institution by race and ethnic
5 background.

6 “(H) Percentage of enrolled undergraduate
7 students at the institution registered with the
8 office of disability services (or equivalent de-
9 partment) as students with disabilities.

10 “(I) Retention rates for full-time and part-
11 time first-time, first-year undergraduate stu-
12 dents enrolled at the institution.

13 “(J) Average time to degree or certificate
14 completion for first-time, first-year under-
15 graduate students enrolled at the institution.

16 “(K) Percentage of enrolled undergraduate
17 students who graduate within 2 years (in the
18 case of 2-year institutions), and 4, 5, and 6
19 years (in the case of 2-year and 4-year institu-
20 tions), including by income category, as defined
21 in paragraph (4).

22 “(L) Number of students who obtained a
23 certificate or an associates, bachelors, masters,
24 or doctoral degree at the institution.

1 “(M) Undergraduate major areas of study
2 with the highest number of degrees awarded.

3 “(N) The student-faculty ratio, and num-
4 ber of full-time, part-time, and adjunct faculty,
5 and graduate teaching and research assistants
6 with instructional responsibilities, at the institu-
7 tion.

8 “(O) Percentage of faculty at the institu-
9 tion with the highest degree in their field.

10 “(P) Percentage change in total price in
11 tuition and fees and the net price for an under-
12 graduate at the institution in each of the 3
13 most recent preceding academic years.

14 “(Q) Total average annual cost of tuition
15 and fees, room and board, and books and other
16 related costs for an undergraduate student en-
17 rolled at the institution, for—

18 “(i) full-time undergraduate students
19 living on campus;

20 “(ii) full-time undergraduate students
21 living off campus; and

22 “(iii) in the case of students attending
23 a public institution of higher education,
24 such costs for in-State and out-of-State
25 students living on and off campus.

1 “(R) Average annual grant amount (in-
2 cluding Federal, State, and institutional aid)
3 broken down by income category as defined in
4 paragraph (4) for a student enrolled at the in-
5 stitution.

6 “(S) Average annual amount of Federal
7 student loans, and other loans provided through
8 the institution, to undergraduate students en-
9 rolled at the institution.

10 “(T) Total annual grant aid available to
11 undergraduate students enrolled at the institu-
12 tion, from the Federal Government, a State, the
13 institution, and other sources.

14 “(U) Percentage of undergraduate stu-
15 dents enrolled at the institution receiving Fed-
16 eral, State, and institutional grants, student
17 loans, and any other type of student financial
18 assistance provided publicly or through the in-
19 stitution, such as Federal work-study funds.

20 “(V) Number of students receiving Federal
21 Pell Grants at the institution.

22 “(W) Average net price of the institution
23 calculated for each income category, as defined
24 in paragraph (4), for each of the 3 most recent
25 preceding academic years.

1 “(X) Percentage of first-year under-
2 graduate students enrolled at the institution
3 who live on campus and off campus.

4 “(Y) The institution’s cohort default rate,
5 as defined under section 435(m).

6 “(Z) Information on the policies of the in-
7 stitution related to transfer of credit from other
8 institutions.

9 “(AA) Information on campus safety re-
10 quired to be collected under section 485(f).

11 “(BB) Links to the appropriate sections of
12 the institution’s website that provide informa-
13 tion on student activities offered by the institu-
14 tion, such as intercollegiate sports, student or-
15 ganizations, study abroad opportunities, intra-
16 mural and club sports, specialized housing op-
17 tions, community service opportunities, cultural
18 and arts opportunities on campus, religious and
19 spiritual life on campus, and lectures and out-
20 side learning opportunities.

21 “(CC) Links to the appropriate sections of
22 the institution’s website that provide informa-
23 tion on services offered by the institution to
24 students during and after college, such as in-

1 ternship opportunities, career and placement
2 services, and preparation for further education.

3 “(2) DATA COLLECTION.—The Commissioner of
4 Education Statistics shall continue to redesign the
5 relevant parts of the Integrated Postsecondary Edu-
6 cation Data System to include additional data as re-
7 quired by this subsection and to continue to improve
8 the usefulness and timeliness of data collected by
9 such System in order to inform consumers about in-
10 stitutions of higher education.

11 “(3) HIGHER EDUCATION PRICING SUMMARY
12 PAGE.—The Secretary shall make publicly available
13 on an annual basis, in a sortable and searchable
14 electronic format on the College Navigator website,
15 a list of all institutions of higher education partici-
16 pating in aid programs under title IV of this Act
17 that includes for each such institution:

18 “(A) The undergraduate tuition and fees
19 for the upcoming academic year.

20 “(B) The average annual net price by in-
21 come category, as defined in paragraph (4),
22 over the 3 most recent preceding academic
23 years.

24 “(C) The average annual percentage
25 change and dollar change in such institution’s

1 tuition and fees over the 3 most recent pre-
2 ceding academic years.

3 “(D) The average annual percentage
4 change and dollar change in such institution’s
5 per student instructional spending over the 3
6 most recent preceding academic years.

7 “(E) The difference between the average
8 annual percentage change in such institution’s
9 tuition and fees over the 3 most recent pre-
10 ceding academic years and the postsecondary
11 education price indices, as defined in subsection
12 (i).

13 “(F) A link to the institution information
14 on the College Navigator website, as detailed in
15 paragraph (1).

16 “(4) INCOME CATEGORIES.—

17 “(A) IN GENERAL.—For purposes of re-
18 porting the information required under this
19 subsection and compiling information for the
20 net price calculator, the following income cat-
21 egories shall apply:

22 “(i) \$0–35,000;

23 “(ii) \$35,001–70,000;

24 “(iii) \$70,001–105,000;

25 “(iv) \$105,001–140,000; and

1 “(v) \$140,000 and up.

2 “(B) ANNUAL ADJUSTMENT.—The Sec-
3 retary shall make available to all institutions of
4 higher education participating in an aid pro-
5 gram under title IV of this Act, on an annual
6 basis, the annual inflation adjustment for the
7 income categories set forth in subparagraph
8 (A).

9 “(C) IMPRACTICABLE REPORTING EXEMP-
10 TION.—An institution that is required by this
11 subsection to report any information pertaining
12 to institutional aid by income category is not
13 required to report such information to the ex-
14 tent that reporting such information by income
15 category is impractical or impossible because in-
16 formation concerning income is not collected
17 from the recipients of such institutional aid.

18 “(k) STUDENT AID RECIPIENT SURVEY.—

19 “(1) SURVEY REQUIRED.—The Secretary shall
20 conduct a survey of student aid recipients under title
21 IV on a regular cycle and State-by-State basis, but
22 not less than once every 4 years—

23 “(A) to identify the population of students
24 receiving Federal student aid;

1 “(B) to describe the income distribution
2 and other socioeconomic characteristics of fed-
3 erally aided students;

4 “(C) to describe the combinations of aid
5 from State, Federal, and private sources re-
6 ceived by students from all income groups;

7 “(D) to describe the debt burden of edu-
8 cational loan recipients and their capacity to
9 repay their education debts, and the impact of
10 such debt burden on career choices;

11 “(E) to describe the role played by the
12 price of postsecondary education in the deter-
13 mination by students of what institution to at-
14 tend; and

15 “(F) to describe how the increased costs of
16 textbooks and other instructional materials af-
17 fects the costs of postsecondary education to
18 students.

19 “(2) SURVEY DESIGN.—The survey shall be
20 representative of full-time and part-time, under-
21 graduate, graduate, professional, and current and
22 former students in all types of institutions, and de-
23 signed and administered in consultation with the
24 Congress and the postsecondary education commu-
25 nity.

1 “(3) DISSEMINATION.—The Commissioner of
2 Education Statistics shall disseminate the informa-
3 tion resulting from the survey in both printed and
4 electronic form.

5 “(1) REGULATIONS.—The Secretary is authorized to
6 issue such regulations as may be necessary to carry out
7 the provisions of this section.”.

8 (b) SENSE OF CONGRESS REGARDING CONSUMER IN-
9 FORMATION ABOUT INSTITUTIONS OF HIGHER EDU-
10 CATION.—

11 (1) FINDINGS.—Congress finds that—

12 (A) the diversity of the American higher
13 education systems allows each student to find
14 the right “fit” for his or her interests and tal-
15 ents;

16 (B) while the variety of options available is
17 one of the great strengths of our system of
18 higher education, it can also be overwhelming
19 when students and their families begin a college
20 search;

21 (C) there is a massive amount of informa-
22 tion available about institutions of higher edu-
23 cation, but it is often difficult to navigate or is
24 scattered among several sources;

1 (D) the data collected and available is
2 comprehensive; however, there is a need to keep
3 consumer needs in mind in packaging the infor-
4 mation that already exists and presenting the
5 information in a simple, consumer-friendly for-
6 mat;

7 (E) in particular, prospective students and
8 their families want a succinct overview of com-
9 mon key information about institutions, with
10 easy access to more in-depth institution-specific
11 information about campus life and the complete
12 college experience; and

13 (F) a variety of efforts have been initiated
14 by colleges and universities and others to pro-
15 vide web-based, consumer-friendly information
16 geared to prospective students and their fami-
17 lies.

18 (2) SENSE OF CONGRESS.—It is the sense of
19 Congress that institutions of higher education should
20 participate in efforts to provide concise, easily acces-
21 sible, on-line consumer information to prospective
22 students and families that is consistent across insti-
23 tutions while permitting opportunities for more in-
24 depth exploration of specific institutions.

1 **SEC. 110. TEXTBOOK INFORMATION.**

2 Part C of title I (20 U.S.C. 1015) is further amended
3 by adding after section 133 (as added by section 109 of
4 this Act) the following new section:

5 **“SEC. 134. TEXTBOOK INFORMATION.**

6 “(a) PURPOSE AND INTENT.—The purpose of this
7 section is to ensure that every student in higher education
8 is offered better and more timely access to affordable
9 course materials by educating and informing faculty, stu-
10 dents, administrators, institutions of higher education,
11 bookstores, distributors, and publishers on all aspects of
12 the selection, purchase, sale, and use of course materials.
13 It is the intent of this section—

14 “(1) to have all involved parties work together
15 to identify ways to decrease the cost of college text-
16 books and supplemental materials for students while
17 protecting the academic freedom of faculty members
18 to select high quality course materials for students;
19 and

20 “(2) to encourage—

21 “(A) college textbook publishers and dis-
22 tributors to work with faculty to promote un-
23 derstanding of the cost to students of pur-
24 chasing faculty selected textbooks, including the
25 disclosure of prices and bundling practices;

1 “(B) college bookstores to work with fac-
2 ulty to review timelines and processes for order-
3 ing and stocking course materials, and to dis-
4 close costs to faculty and students in a timely
5 manner;

6 “(C) institutions of higher education to im-
7 plement numerous options to address college
8 textbook affordability;

9 “(D) institutions of higher education to
10 work with student organizations to help stu-
11 dents understand the factors driving textbook
12 costs and available methods and resources to
13 mitigate the effects of those costs; and

14 “(E) innovation in the development and
15 use of course materials (including course mate-
16 rials utilizing the principles of universal design)
17 and technologies that can help students receive
18 the full value of their educational investment.

19 “(b) DEFINITIONS.—In this section:

20 “(1) BUNDLE.—The term ‘bundle’ means one
21 or more college textbooks or other supplemental
22 learning materials that may be packaged together to
23 be sold as course materials for one price.

24 “(2) COLLEGE TEXTBOOK.—The term ‘college
25 textbook’ means a textbook or a set of textbooks,

1 used for, or in conjunction with, a course in postsec-
2 ondary education at an institution of higher edu-
3 cation.

4 “(3) COURSE SCHEDULE.—The term ‘course
5 schedule’ means a listing of the courses or classes
6 offered by an institution of higher education for an
7 academic period, as defined by the institution.

8 “(4) CUSTOM TEXTBOOK.—The term ‘custom
9 textbook’—

10 “(A) means a college textbook that is com-
11 piled at the direction of a faculty member or
12 other person or adopting entity in charge of se-
13 lecting course materials at an institution of
14 higher education; and

15 “(B) may include, alone or in combination,
16 items such as selections from original instructor
17 materials, previously copyrighted publisher ma-
18 terials, copyrighted third-party works, and ele-
19 ments unique to a specific institution, such as
20 commemorative editions.

21 “(5) INSTITUTION OF HIGHER EDUCATION.—
22 The term ‘institution of higher education’ has the
23 meaning given the term in section 102.

24 “(6) INTEGRATED TEXTBOOK.—The term ‘inte-
25 grated textbook’ means a college textbook that is

1 combined with materials developed by a third party
2 and that, by third-party contractual agreement, may
3 not be offered by publishers separately from the col-
4 lege textbook with which the materials are combined.

5 “(7) PUBLISHER.—The term ‘publisher’ means
6 a publisher of college textbooks or supplemental ma-
7 terials involved in or affecting interstate commerce.

8 “(8) SUBSTANTIAL CONTENT.—The term ‘sub-
9 stantial content’ means parts of a college textbook,
10 such as new chapters, additional eras of time, new
11 themes, or new subject matter.

12 “(9) SUPPLEMENTAL MATERIAL.—The term
13 ‘supplemental material’ means educational material
14 developed to accompany a college textbook, which—

15 “(A) may include printed materials, com-
16 puter disks, website access, and electronically
17 distributed materials; and

18 “(B) is not bound by third-party contrac-
19 tual agreements to be sold in an integrated
20 textbook.

21 “(c) PUBLISHER REQUIREMENTS.—

22 “(1) COLLEGE TEXTBOOK PRICING INFORMA-
23 TION.—When a publisher provides a faculty member
24 or other person or adopting entity in charge of se-
25 lecting course materials at an institution of higher

1 education with information regarding a college text-
2 book or supplemental material, the publisher shall
3 include, with any such information and in writing
4 (which may include electronic communications), the
5 following:

6 “(A) The price at which the publisher
7 would make the college textbook or supple-
8 mental material available to the bookstore on
9 the campus of, or otherwise associated with,
10 such institution of higher education.

11 “(B) The copyright dates of all previous
12 editions of such college textbook in the pre-
13 ceding 10 years, if any.

14 “(C) The substantial content revisions
15 made between the current edition of the college
16 textbook or supplemental material and the pre-
17 vious edition, if any.

18 “(D) Whether the college textbook or sup-
19 plemental material is available in any other for-
20 mat, including paperback and unbound, and the
21 price at which the publisher would make the
22 college textbook or supplemental material in the
23 other format available to the bookstore on the
24 campus of, or otherwise associated with, such
25 institution of higher education.

1 “(2) UNBUNDLING OF COLLEGE TEXTBOOKS
 2 FROM SUPPLEMENTAL MATERIALS.—A publisher
 3 that sells a college textbook and any supplemental
 4 material accompanying such college textbook as a
 5 single bundle shall also make available the college
 6 textbook and each supplemental material as separate
 7 and unbundled items, each separately priced.

8 “(3) CUSTOM TEXTBOOKS.—To the maximum
 9 extent practicable, publishers shall provide the infor-
 10 mation required under this subsection with respect
 11 to the development and provision of custom text-
 12 books.

13 “(d) PROVISION OF ISBN COLLEGE TEXTBOOK IN-
 14 FORMATION IN COURSE SCHEDULES.—

15 “(1) INTERNET COURSE SCHEDULES.—Each in-
 16 stitution of higher education, to the maximum extent
 17 practicable, shall—

18 “(A) disclose the International Standard
 19 Book Number and retail price information of
 20 required and recommended textbooks, related
 21 materials, and supplies for each course listed in
 22 the institution’s course schedule used for pre-
 23 registration and registration purposes;

24 “(B) if the International Standard Book
 25 Number is not available for the items listed in

1 subparagraph (A), use the author, title, pub-
2 lisher, and copyright date; and

3 “(C) if the institution determines that the
4 disclosure of the information described in the
5 preceding subparagraphs for a course is not
6 practicable for a textbook, related material, or
7 supply, then it should so indicate by placing the
8 designation ‘To Be Determined’ in lieu of the
9 information required under such subpara-
10 graphs.

11 “(2) WRITTEN COURSE SCHEDULES.—In the
12 case of an institution of higher education that does
13 not publish the institution’s course schedule for the
14 subsequent academic period on the Internet, the in-
15 stitution of higher education shall include the infor-
16 mation required under paragraph (1) in any printed
17 version of the institution’s course schedule as it is
18 available at the time of the course schedule’s print-
19 ing.

20 “(e) AVAILABILITY OF INFORMATION FOR COLLEGE
21 BOOKSTORES.—An institution of higher education shall
22 make available, as soon as is practicable, upon the request
23 of any college bookstore, the most accurate information
24 available regarding—

1 “(1) the institution’s course schedule for the
2 subsequent academic period; and

3 “(2) for each course or class offered by the in-
4 stitution for the subsequent academic period—

5 “(A) the information required by sub-
6 section (d)(1) for each college textbook or sup-
7 plemental material required or recommended
8 for such course or class;

9 “(B) the number of students enrolled in
10 such course or class; and

11 “(C) the maximum student enrollment for
12 such course or class.

13 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to supercede the institutional au-
15 tonomy or academic freedom of instructors involved in the
16 selection of college textbooks and classroom materials.

17 “(g) EFFECTIVE DATE.—This section shall be effec-
18 tive on and after July 1, 2008.”.

19 **SEC. 111. DATABASE OF STUDENT INFORMATION PROHIB-**
20 **ITED.**

21 Part C of title I (20 U.S.C. 1015) is further amended
22 by adding after section 134 (as added by section 110 of
23 this Act) the following new section:

1 **“SEC. 135. DATABASE OF STUDENT INFORMATION PROHIB-**
2 **ITED.**

3 “(a) PROHIBITION.—Except as described in sub-
4 section (b), nothing in this Act shall be construed to au-
5 thorize the Secretary to develop, implement, or maintain
6 a Federal database of personally identifiable information
7 on individuals receiving assistance under this Act, attend-
8 ing institutions receiving assistance under this Act, or oth-
9 erwise involved in any studies or other collections of data
10 under this Act, including a student unit record system,
11 an education bar code system, or any other system that
12 tracks individual students over time.

13 “(b) EXCEPTION.—The provisions of subsection (a)
14 shall not apply to a system (or a successor system) that
15 is necessary for the operation of programs authorized by
16 title II, IV, or VII, or data required to be collected by
17 the Secretary under this Act (including section 133(g)),
18 that were in use by the Secretary, directly or through a
19 contractor, as of the day before the date of enactment of
20 the College Opportunity and Affordability Act of 2008.

21 “(c) STATE DATABASES.—Nothing in this Act shall
22 prohibit a State or a consortium of States from devel-
23 oping, implementing, or maintaining State-developed data-
24 bases that track individuals over time, including student
25 unit record systems that contain information related to en-
26 rollment, attendance, graduation and retention rates, stu-

1 dent financial assistance, and graduate employment out-
2 comes.”.

3 **SEC. 112. IN-STATE TUITION RATES FOR MEMBERS OF THE**
4 **ARMED FORCES ON ACTIVE DUTY AND DE-**
5 **PENDENTS.**

6 Part C of title I (20 U.S.C. 1015) is further amended
7 by adding after section 135 (as added by section 111 of
8 this Act) the following new section:

9 **“SEC. 136. IN-STATE TUITION RATES FOR MEMBERS OF THE**
10 **ARMED FORCES ON ACTIVE DUTY AND DE-**
11 **PENDENTS.**

12 “(a) REQUIREMENT.—A member of the armed forces
13 on active duty for a period of more than 30 days whose
14 domicile or permanent duty station is in a State, and the
15 dependents of such a member, may not be charged tuition
16 for attendance at a public institution of higher education
17 in that State at a rate that is greater than the rate
18 charged for residents of that State.

19 “(b) CONTINUATION.—If a member of the armed
20 forces, or a dependent of a member, pays tuition at a pub-
21 lic institution of higher education in a State at a rate de-
22 termined by reason of subsection (a), the provisions of
23 subsection (a) shall continue to apply to such member or
24 dependent while continuously enrolled at that institution,

1 notwithstanding a subsequent change in the permanent
2 duty station of the member to a location outside the State.

3 “(c) EFFECTIVE DATE.—This section shall take ef-
4 fect at each public institution of higher education in a
5 State at the beginning of the first period of enrollment
6 at that institution that begins more than 90 days after
7 the date of enactment of the Military Child College Afford-
8 ability Act.

9 “(d) DEFINITIONS.—For purposes of this section:

10 “(1) STATE.—The term ‘State’ has the mean-
11 ing given that term in section 103 of this Act.

12 “(2) MILITARY DEFINITIONS.—The terms
13 ‘armed forces’ and ‘active duty for a period of more
14 than 30 days’ have the meanings given those terms
15 in section 101 of title 10, United States Code.”.

16 **SEC. 113. ENDOWMENT REPORTING.**

17 Part C of title I (20 U.S.C. 1015) is further amended
18 by adding after section 135 (as added by section 111 of
19 this Act) the following new section:

20 **“SEC. 137. ENDOWMENT REPORTING.**

21 “Each institution of higher education shall annually
22 submit to the Secretary, in a form prescribed by the Sec-
23 retary, a report on the expenditures made by such institu-
24 tion from any endowment funds of the institution for the
25 purpose of reducing the costs of the programs of instruc-

tion offered by such institution, including the specific amounts expended for grants and other aid to reduce the amounts charged for tuition, fees, textbooks, meals, room and board.”.

SEC. 114. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

“SEC. 138. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

“(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

“(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students’ personally identifiable information; and

“(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maxi-

1 mize and improve the information institutions re-
 2 ceive from the data systems, in order to assist insti-
 3 tutions in improving educational practice and post-
 4 secondary outcomes.

5 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
 6 tion, the term ‘eligible entity’ means—

7 “(1) a State higher education system; or

8 “(2) a consortium of State higher education
 9 systems, or a consortium of individual institutions of
 10 higher education, that is broadly representative of
 11 institutions in different sectors and geographic loca-
 12 tions.

13 “(c) COMPETITIVE GRANTS.—

14 “(1) GRANTS AUTHORIZED.—The Secretary
 15 shall award grants, on a competitive basis, to not
 16 more than 5 eligible entities to enable the eligible en-
 17 tities to—

18 “(A) design, test, and implement postsec-
 19 ondary student data systems that provide the
 20 maximum benefits to States, institutions of
 21 higher education, and State policymakers; and

22 “(B) examine the costs and burdens in-
 23 volved in implementing a State-level postsec-
 24 ondary student data system.

1 “(2) DURATION.—A grant awarded under this
2 section shall be for a period of not more than 3
3 years.

4 “(d) APPLICATION REQUIREMENTS.—An eligible en-
5 tity desiring a grant under this section shall submit an
6 application to the Secretary at such time, in such manner,
7 and containing such information as the Secretary deter-
8 mines is necessary, including a description of—

9 “(1) how the eligible entity will ensure that stu-
10 dent privacy is protected and that individually iden-
11 tifiable information about students, the students’
12 achievements, and the students’ families remains
13 confidential in accordance with the Family Edu-
14 cational Rights and Privacy Act of 1974 (20 U.S.C.
15 1232g); and

16 “(2) how the activities funded by the grant will
17 be supported after the 3-year grant period.

18 “(e) USE OF FUNDS.—A grant awarded under this
19 section shall be used to—

20 “(1) design, develop, and implement the compo-
21 nents of a comprehensive postsecondary student
22 data system with the capacity to transmit student
23 information within States;

24 “(2) improve the capacity of institutions of
25 higher education to analyze and use student data;

1 “(3) select and define common data elements,
2 data quality, and other elements that will enable the
3 data system to—

4 “(A) serve the needs of institutions of
5 higher education for institutional research and
6 improvement;

7 “(B) provide students and the students’
8 families with useful information for decision-
9 making about postsecondary education;

10 “(C) provide State policymakers with im-
11 proved information to monitor and guide efforts
12 to improve student outcomes and success in
13 higher education;

14 “(4) estimate costs and burdens at the institu-
15 tional level for reporting to the postsecondary stu-
16 dent data system; and

17 “(5) test the feasibility of protocols and stand-
18 ards for maintaining data privacy and data access.

19 “(f) EVALUATION; REPORTS.—Not later than 6
20 months after the end of the projects funded by grants
21 awarded under this section, the Secretary shall—

22 “(1) conduct a comprehensive evaluation of the
23 pilot program authorized by this section; and

24 “(2) report the Secretary’s findings, as well as
25 recommendations regarding the implementation of

1 State-level postsecondary student data systems to
 2 the authorizing committees.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 such sums as may be necessary for fiscal year 2009 and
 6 each of the 4 succeeding fiscal years.”.

7 **SEC. 115. INSTITUTION AND LENDER REPORTING AND DIS-**
 8 **CLOSURE REQUIREMENTS.**

9 Title I (20 U.S.C. 1001 et seq.) is amended by adding
 10 at the end the following:

11 **“PART E—LENDER AND INSTITUTION REQUIRE-**
 12 **MENTS RELATING TO EDUCATIONAL LOANS**

13 **“SEC. 151. DEFINITIONS.**

14 “In this part:

15 “(1) COVERED INSTITUTION.—The term ‘cov-
 16 ered institution’—

17 “(A) means any educational institution
 18 that—

19 “(i) offers a postsecondary edu-
 20 cational degree, certificate, or program of
 21 study (including any institution of higher
 22 education, as such term is defined in sec-
 23 tion 102); and

24 “(ii) receives any Federal funding or
 25 assistance; and

1 “(B) includes an authorized agent of the
2 educational institution (including an alumni as-
3 sociation, booster club, or other organization di-
4 rectly or indirectly authorized by such institu-
5 tion) or an employee of such institution.

6 “(2) EDUCATIONAL LOAN.—The term ‘edu-
7 cational loan’ (except when used as part of the term
8 ‘private educational loan’) means—

9 “(A) any loan made, insured, or guaran-
10 teed under title IV; or

11 “(B) a private educational loan (as defined
12 in paragraph (6)).

13 “(3) PREFERRED LENDER ARRANGEMENT.—
14 The term ‘preferred lender arrangement’—

15 “(A) means an arrangement or agreement
16 between a lender and a covered institution—

17 “(i) under which arrangement or
18 agreement a lender provides or otherwise
19 issues educational loans to the students at-
20 tending the covered institution or the par-
21 ents of such students; and

22 “(ii) which arrangement or agreement
23 relates to the covered institution recom-
24 mending, promoting, or endorsing the edu-
25 cational loan product of the lender; and

1 “(B) does not include—

2 “(i) arrangements or agreements with
3 respect to loans under parts D or E of title
4 IV; or

5 “(ii) arrangements or agreements with
6 respect to loans under section 499(b).

7 “(4) LENDER.—

8 “(A) IN GENERAL.—The term ‘lender’—

9 “(i) means a creditor, except that
10 such term shall not include an issuer of
11 credit secured by a dwelling or under an
12 open end credit plan; and

13 “(ii) includes an agent of a lender.

14 “(B) INCORPORATION OF TILA DEFINI-
15 TIONS.—The terms ‘creditor’, ‘dwelling’, and
16 ‘open end credit plan’ have the meanings given
17 such terms in section 103 of the Truth in
18 Lending Act (15 U.S.C. 1602).

19 “(5) OFFICER.—The term ‘officer’ includes a
20 director or trustee of a covered institution, if such
21 individual is treated as an employee of the covered
22 institution.

23 “(6) PRIVATE EDUCATIONAL LOAN.—The term
24 ‘private educational loan’ means a private loan pro-
25 vided by a lender that—

1 “(A) is not made, insured, or guaranteed
2 under title IV; and

3 “(B) is issued by a lender expressly for
4 postsecondary educational expenses to a stu-
5 dent, or the parent of the student, regardless of
6 whether the loan involves enrollment certifi-
7 cation by the educational institution that the
8 student attends.

9 “(7) POSTSECONDARY EDUCATIONAL EX-
10 PENSES.—The term ‘postsecondary educational ex-
11 penses’ means any of the expenses that are included
12 as part of a student’s cost of attendance, as defined
13 under section 472.

14 **“SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITU-**
15 **TIONS PARTICIPATING IN PREFERRED LEND-**
16 **ER ARRANGEMENTS.**

17 “(a) CERTIFICATION BY LENDERS.—In addition to
18 any other disclosure required under Federal law, each
19 lender under part B of title IV that participates in one
20 or more preferred lender arrangements shall annually cer-
21 tify its compliance with the requirements of this Act. Such
22 compliance of such preferred lender arrangement shall be
23 reported on and attested to annually by the auditor of
24 such lender in the audit conducted pursuant to section
25 428(b)(1)(U)(iii).

1 “(b) USE OF INSTITUTION NAME.—

2 “(1) IN GENERAL.—A covered institution that
3 has entered into a preferred lender arrangement
4 with a lender regarding private educational loans
5 shall not agree to the lender’s use of the name, em-
6 blem, mascot, or logo of the institution, or other
7 words, pictures, or symbols readily identified with
8 the institution, in the marketing of private edu-
9 cational loans to the students attending the institu-
10 tion in any way that implies that the institution en-
11 dorses the private educational loans offered by the
12 lender.

13 “(2) APPLICABILITY.—Paragraph (1) shall
14 apply to any preferred lender arrangement, or exten-
15 sion of such arrangement, entered into or renewed
16 after the date of enactment of the College Oppor-
17 tunity and Affordability Act of 2008.

18 **“SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS**
19 **AND LENDERS PARTICIPATING IN PRE-**
20 **FERRED LENDER ARRANGEMENTS.**

21 “(a) DUTIES OF THE SECRETARY.—

22 “(1) REPORT AND MODEL FORMAT.—Not later
23 than 180 days after the date of enactment of the
24 College Opportunity and Affordability Act of 2008,
25 the Secretary shall—

1 “(A) prepare a report on the adequacy of
2 the information provided to students and the
3 parents of such students about educational
4 loans, after consulting with students, represent-
5 atives of covered institutions (including finan-
6 cial aid administrators, registrars, and business
7 officers), lenders, loan servicers, and guaranty
8 agencies;

9 “(B) develop and prescribe by regulation a
10 model disclosure form to be used by lenders and
11 covered institutions in carrying out subsections
12 (b) and (c) that—

13 “(i) will be easy for students and par-
14 ents to read and understand;

15 “(ii) will be easily usable by lenders,
16 institutions, guaranty agencies, and loan
17 servicers;

18 “(iii) will provide students and par-
19 ents with the relevant, meaningful, and
20 standard information about the terms and
21 conditions for both Federal and private
22 educational loans;

23 “(iv) is based on the report’s findings
24 and developed in consultation with—

25 “(I) students;

1 “(II) representatives of covered
2 institutions, including financial aid
3 administrators, registrars, business of-
4 ficers, and student affairs officials;

5 “(III) lenders;

6 “(IV) loan servicers;

7 “(V) guaranty agencies; and

8 “(VI) with respect to the require-
9 ments of clause (vi) concerning pri-
10 vate educational loans, the Board of
11 Governors of the Federal Reserve Sys-
12 tem;

13 “(v) provides information on the ap-
14 plicable interest rates and other terms and
15 conditions of the educational loans pro-
16 vided by a lender to students attending the
17 institution, or the parents of such stu-
18 dents, disaggregated by each type of edu-
19 cational loan (including opportunity pools
20 as defined in section 155(f)) provided to
21 such students or parents by the lender, in-
22 cluding—

23 “(I) the rate of interest, or the
24 potential range of rates of interest,

1 applicable to the loan, and whether
2 such rates are fixed or variable;

3 “(II) limitations, if any, on inter-
4 est rate adjustments, both in terms of
5 frequency and amount, or lack there-
6 of;

7 “(III) co-borrower requirements,
8 including changes in interest rates;

9 “(IV) any fees associated with
10 the loan;

11 “(V) the repayment terms avail-
12 able on the loan;

13 “(VI) the opportunity for
14 deferment or forbearance in repay-
15 ment of the loan, including whether
16 the loan payments can be deferred if
17 the student is in school;

18 “(VII) any additional terms and
19 conditions applied to the loan, includ-
20 ing any benefits that are contingent
21 on the repayment behavior of the bor-
22 rower;

23 “(VIII) the annual percentage
24 rate for such loans, determined in the
25 manner required under section 107 of

1 the Truth in Lending Act (15 U.S.C.
2 1606);

3 “(IX) an example of the total
4 cost of the educational loan over the
5 life of the loan which shall be cal-
6 culated—

7 “(aa) using a principal
8 amount and the maximum rate of
9 interest actually offered by the
10 lender; and

11 “(bb) both with and without
12 capitalization of interest, if that
13 is an option for postponing inter-
14 est payments;

15 “(X) the consequences for the
16 borrower of defaulting on a loan, in-
17 cluding any limitations on the dis-
18 charge of an educational loan in bank-
19 ruptcy;

20 “(XI) contact information for the
21 lender; and

22 “(XII) any philanthropic con-
23 tributions made by the lender to the
24 covered institution, including the pur-

1 pose of the contribution and any con-
2 ditions related to its use; and

3 “(vi) provides, in addition, with re-
4 spect to private educational loans, the fol-
5 lowing information with respect to loans
6 made by each lender recommended by the
7 covered institution:

8 “(I) the method of determining
9 the interest rate of the loan;

10 “(II) potential finance charges,
11 late fees, penalties, and adjustments
12 to principal, based on defaults or late
13 payments of the borrower; and

14 “(III) such other information as
15 the Secretary may require; and

16 “(C)(i) submit the report and model disclo-
17 sure form to the authorizing committees; and

18 “(ii) make the report and model disclosure
19 form available to covered institutions, lenders,
20 and the public.

21 “(2) MODEL FORM UPDATE.—Not later than 1
22 year after the submission of the report and model
23 disclosure form described in paragraph (1)(B), the
24 Secretary shall—

1 “(A) assess the adequacy of the model dis-
2 closure form;

3 “(B) after consulting with students, rep-
4 resentatives of covered institutions (including fi-
5 nancial aid administrators, registrars, business
6 officers, and student affairs officials), lenders,
7 loan servicers, guaranty agencies, and the
8 Board of Governors of the Federal Reserve Sys-
9 tem—

10 “(i) prepare a list of any improve-
11 ments to the model disclosure form that
12 have been identified as beneficial to bor-
13 rowers; and

14 “(ii) update the model disclosure form
15 after taking such improvements into con-
16 sideration; and

17 “(C)(i) submit the list of improvements
18 and updated model disclosure form to the au-
19 thorizing committees; and

20 “(ii) make the updated model disclosure
21 form available to covered institutions, lenders,
22 and the public.

23 “(3) USE OF FORM.—The Secretary shall take
24 such steps as necessary to make the model disclo-

1 sure form, and the updated model disclosure form,
2 available to covered institutions and to encourage—

3 “(A) lenders subject to subsection (b) to
4 use the model disclosure form or updated model
5 disclosure form (if available) in providing the
6 information required under subsection (b); and

7 “(B) covered institutions to use such for-
8 mat in preparing the information reported
9 under subsection (c).

10 “(4) PROCEDURES.—Sections 482(c) and 492
11 of this Act shall not apply to the model disclosure
12 form prescribed under paragraph (1)(B), but shall
13 apply to the updating of such form under paragraph
14 (2).

15 “(b) LENDER DUTIES.—Each lender that has a pre-
16 ferred lender arrangement with a covered institution shall,
17 by March 1 of each year, or such other date determined
18 by the Secretary, provide to the covered institution and
19 to the Secretary the information included on the model
20 disclosure form or an updated model disclosure form (if
21 available) for each type of educational loan (including op-
22 portunity pools as defined in section 155(f)) to be offered
23 by the lender to students attending the covered institution,
24 or the parents of such students, for the forthcoming aca-
25 demic year.

1 “(c) COVERED INSTITUTION REPORTS.—Each cov-
2 ered institution shall—

3 “(1) prepare and submit to the Secretary an
4 annual report, by a date determined by the Sec-
5 retary, that includes, for each lender that has a pre-
6 ferred lender arrangement with the covered institu-
7 tion and that has submitted to the institution the in-
8 formation required under subsection (b)—

9 “(A) the information included on the
10 model disclosure form or updated model disclo-
11 sure form (if available) for each type of edu-
12 cational loan provided by the lender to students
13 attending the covered institution, or the parents
14 of such students; and

15 “(B) a detailed explanation of why the cov-
16 ered institution believes the terms and condi-
17 tions of each type of educational loan provided
18 pursuant to the agreement are beneficial for
19 students attending the covered institution, or
20 the parents of such students; and

21 “(2) ensure that the report required under
22 paragraph (1) is made available to the public and
23 provided to students attending or planning to attend
24 the covered institution, and the parents of such stu-
25 dents, in time for the student or parent to take such

1 information into account before applying for or se-
2 lecting an educational loan.

3 “(d) DISCLOSURES BY COVERED INSTITUTIONS.—A
4 covered institution shall disclose, on its website and in the
5 informational materials described in subsection (e)—

6 “(1) a statement that—

7 “(A) indicates that students are not lim-
8 ited to or required to use the lenders the insti-
9 tution recommends; and

10 “(B) the institution is required to process
11 the documents required to obtain a Federal
12 educational loan from any eligible lender the
13 student selects;

14 “(2) at a minimum, all of the information pro-
15 vided by the model disclosure form prescribed under
16 subsection (a)(1)(B), or updated model disclosure
17 form (if available), with respect to any lender rec-
18 ommended by the institution for Federal educational
19 loans and, as applicable, private educational loans
20 (including opportunity pools as defined in section
21 155(f));

22 “(3) the maximum amount of Federal grant
23 and loan aid available to students in an easy-to-un-
24 derstand format; and

1 “(4) the institution’s cost of attendance (as de-
2 termined under section 472).

3 “(e) INFORMATIONAL MATERIALS.—The informa-
4 tional materials described in this subsection are publica-
5 tions, mailings, or electronic messages or media distrib-
6 uted to prospective or current students and parents of stu-
7 dents that describe or discuss the financial aid opportuni-
8 ties available to students at an institution of higher edu-
9 cation.

10 **“SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE RE-**
11 **QUIREMENTS FOR COVERED INSTITUTIONS.**

12 “A covered institution that provides information to
13 any student, or the parent of such student, regarding a
14 private educational loan from a lender shall, prior to or
15 concurrent with such information—

16 “(1) inform the student or parent of—

17 “(A) the student or parent’s eligibility for
18 assistance and loans under title IV; and

19 “(B) the terms and conditions of such pri-
20 vate educational loan that may be less favorable
21 than the terms and conditions of educational
22 loans for which the student or parent is eligible,
23 including interest rates, repayment options, and
24 loan forgiveness; and

1 “(2) ensure that information regarding such
2 private educational loan is presented in such a man-
3 ner as to be distinct from information regarding
4 loans that are made, insured, or guaranteed under
5 title IV.

6 **“SEC. 155. INTEGRITY PROVISIONS.**

7 “(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

8 “(1) CODE OF CONDUCT.—Each institution of
9 higher education that participates in the Federal
10 student loan programs under title IV or has stu-
11 dents that obtain private educational loans shall—

12 “(A) develop a code of conduct in accord-
13 ance with paragraph (2) with which its officers,
14 employees, and agents shall comply with respect
15 to educational loans;

16 “(B) publish the code of conduct promi-
17 nently on its website; and

18 “(C) administer and enforce such code in
19 accordance with the requirements of this sub-
20 section.

21 “(2) CONTENTS OF CODE.—The code required
22 by this section shall—

23 “(A) prohibit a conflict of interest with the
24 responsibilities of such officer, employee, or
25 agent with respect to educational loans; and

1 “(B) at a minimum, include provisions in
2 compliance with the provisions of the following
3 subsections of this section.

4 “(3) TRAINING AND COMPLIANCE.—An institu-
5 tion of higher education shall administer and enforce
6 a code of conduct required by this section by, at a
7 minimum, requiring all of its officers, employees,
8 and agents with responsibilities with respect to edu-
9 cational loans to obtain training annually in compli-
10 ance with the code.

11 “(b) GIFT BAN.—

12 “(1) PROHIBITION.—No officer, employee, or
13 agent of a covered institution who is employed in the
14 financial aid office of the institution, or who other-
15 wise has responsibilities with respect to educational
16 loans, shall solicit or accept any gift from a lender,
17 guarantor, or servicer of educational loans.

18 “(2) INSPECTOR GENERAL REPORT.—The In-
19 specter General of the Department of Education
20 shall investigate any reported violation of this sub-
21 section and shall annually submit a report to the au-
22 thorizing committees identifying all substantiated
23 violations of the gift ban under paragraph (1), in-
24 cluding the lenders and covered institutions involved
25 in each such violation, for the preceding year.

1 “(3) DEFINITION OF GIFT.—

2 “(A) IN GENERAL.—In this subsection, the
3 term ‘gift’ means any gratuity, favor, discount,
4 entertainment, hospitality, loan, or other item
5 having a monetary value of more than a de
6 minimus amount. The term includes a gift of
7 services, transportation, lodging, or meals,
8 whether provided in kind, by purchase of a tick-
9 et, payment in advance, or reimbursement after
10 the expense has been incurred.

11 “(B) EXCEPTIONS.—The term ‘gift’ shall
12 not include any of the following:

13 “(i) Standard material, activities, or
14 programs on issues related to a loan, de-
15 fault aversion, default prevention, or finan-
16 cial literacy, such as a brochure, a work-
17 shop, or training.

18 “(ii) Food, refreshments, training, or
19 informational material furnished to an offi-
20 cer, employee, or agent of an institution as
21 an integral part of a training session that
22 is designed to improve the service of a
23 lender, guarantor, or servicer of edu-
24 cational loans to the covered institution, if
25 such training contributes to the profes-

1 sional development of the officer, employee,
2 or agent of the institution.

3 “(iii) Favorable terms, conditions, and
4 borrower benefits on an educational loan
5 provided to a student employed by the cov-
6 ered institution if such terms, conditions,
7 or benefits are comparable to those pro-
8 vided to all students of the institution.

9 “(iv) Entrance and exit counseling
10 services provided to borrowers to meet a
11 covered institution’s responsibilities for en-
12 trance and exit counseling as required by
13 section 485(b) provided that—

14 “(I) a covered institution’s staff
15 are in control of the counseling
16 (whether in person or via electronic
17 capabilities); and

18 “(II) such counseling does not
19 promote the products or services of
20 any lender.

21 “(v) Philanthropic contributions to a
22 covered institution from a lender, guar-
23 antor, or servicer of educational loans that
24 are unrelated to educational loans, pro-
25 vided, as applicable, that such contribu-

1 tions are disclosed pursuant to section
2 153(a)(1) and section 153(a)(2).

3 “(vi) State education grants, scholar-
4 ships, or financial aid funds administered
5 by or on behalf of a State.

6 “(C) RULE FOR GIFTS TO FAMILY MEM-
7 BERS.—For purposes of this section, a gift to
8 a family member of an officer, employee, or
9 agent of a covered institution, or a gift to any
10 other individual based on that individual’s rela-
11 tionship with the officer, employee, or agent,
12 shall be considered a gift to the officer, em-
13 ployee, or agent if—

14 “(i) the gift is given with the knowl-
15 edge and acquiescence of the officer, em-
16 ployee, or agent; and

17 “(ii) the officer, employee, or agent
18 has reason to believe the gift was given be-
19 cause of the official position of the officer,
20 employee, or agent.

21 “(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

22 “(1) PROHIBITION.—An officer, employee, or
23 agent who is employed in the financial aid office of
24 a covered institution, or who otherwise has respon-
25 sibilities with respect to educational loans, shall not

1 accept from any lender or affiliate of any lender (as
2 the term affiliate is defined in section 487(a)) any
3 fee, payment, or other financial benefit (including
4 the opportunity to purchase stock) as compensation
5 for any type of consulting arrangement or other con-
6 tract to provide services to a lender or on behalf of
7 a lender.

8 “(2) EXCEPTIONS.—Nothing in this subsection
9 shall be construed as prohibiting—

10 “(A) an officer, employee, or agent of a
11 covered institution who is not employed in the
12 institution’s financial aid office, or who does not
13 otherwise have responsibilities with respect to
14 educational loans, from paid or unpaid service
15 on a board of directors of a lender, guarantor,
16 or servicer of educational loans;

17 “(B) an officer, employee, or agent of a
18 covered institution who is not employed in the
19 financial aid office but who has responsibility
20 with respect to educational loans as a result of
21 a position held at the covered institution, from
22 paid or unpaid service on a board of directors
23 of a lender, guarantor, or servicer of edu-
24 cational loans, provided that the covered insti-
25 tution has a written conflict of interest policy

1 that clearly sets forth that such an officer, em-
2 ployee, or agent must be recused from partici-
3 pating in any decision of the board with respect
4 to any transaction regarding educational loans;
5 or

6 “(C) an officer, employee, or agent of a
7 lender, guarantor, or servicer of educational
8 loans from serving on a board of directors or
9 serving as a trustee of a covered institution,
10 provided that the covered institution has a writ-
11 ten conflict of interest policy that clearly sets
12 forth the procedures to be followed in instances
13 where such a board member’s or trustee’s per-
14 sonal or business interests with respect to edu-
15 cational loans may be advanced by an action of
16 the board of directors or trustees, including a
17 provision that such a board member or trustee
18 may not participate in any decision to approve
19 any transaction where such conflicting interests
20 may be advanced.

21 “(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

22 “(1) PROHIBITION.—A covered institution shall
23 not enter into any revenue sharing arrangement with
24 any lender.

1 “(2) DEFINITION.—For purposes of this sub-
2 section, a revenue sharing arrangement is an ar-
3 rangement between a covered institution and a lend-
4 er under which—

5 “(A) a lender provides or issues edu-
6 cational loans to students attending the institu-
7 tion or to parents of such students; and

8 “(B)(i) the institution recommends the
9 lender or the loan products of the lender; and

10 “(ii) in exchange, the lender pays a fee or
11 provides other material benefits, including rev-
12 enue or profit sharing, to the institution or offi-
13 cers, employees, or agents of the institution.

14 “(e) BAN ON STAFFING ASSISTANCE.—

15 “(1) PROHIBITION.—A covered institution shall
16 not request or accept from any lender any assistance
17 with call center staffing or financial aid office staff-
18 ing.

19 “(2) CERTAIN ASSISTANCE PERMITTED.—Noth-
20 ing in paragraph (1) shall be construed to prohibit
21 a covered institution from requesting or accepting
22 assistance from a lender related to—

23 “(A) professional development training for
24 financial aid administrators;

1 “(B) providing educational counseling ma-
2 terials, financial literacy materials, or debt
3 management materials to borrowers, provided
4 that such materials disclose to borrowers the
5 identification of any lender that assisted in pre-
6 paring or providing such materials; or

7 “(C) staffing services on a short-term,
8 non-recurring basis to assist the institution with
9 financial aid-related functions during emer-
10 gencies, including State-declared or federally
11 declared natural disasters, federally declared
12 national disasters, and other localized disasters
13 and emergencies identified by the Secretary.

14 “(f) PROHIBITION ON OFFERS OF FUNDS FOR PRI-
15 VATE LOANS.—

16 “(1) PROHIBITION.—A covered institution shall
17 not request or accept from any lender any offer of
18 funds, including any opportunity pool, to be used for
19 private educational loans to students in exchange for
20 the covered institution providing concessions or
21 promises to the lender with respect to such institu-
22 tion providing the lender with a specified number of
23 loans, a specified loan volume, or a preferred lender
24 arrangement for any loan made, insured, or guaran-

1 teed under title IV, and a lender shall not make any
2 such offer.

3 “(2) DEFINITION.—In this subsection, the term
4 ‘opportunity pool’ means an educational loan made
5 by a private lender to a student attending the cov-
6 ered institution or the parent of such a student that
7 is in any manner guaranteed by a covered institu-
8 tion, or that involves a payment, directly or indi-
9 rectly, by such an institution of points, premiums,
10 payments, additional interest, or other financial sup-
11 port to such lender for the purpose of such lender
12 extending credit to either the students or the par-
13 ents of students of the institution.

14 “(g) BAN ON PARTICIPATION ON ADVISORY COUN-
15 CILS.—An officer, employee, or agent who is employed in
16 the financial aid office of a covered institution, or who oth-
17 erwise has responsibilities with respect to educational
18 loans, shall not serve on or otherwise participate with advi-
19 sory councils of lenders or affiliates of lenders. Nothing
20 in this subsection shall prohibit lenders from seeking ad-
21 vice from covered institutions or groups of covered institu-
22 tions (including through telephonic or electronic means,
23 or a meeting) in order to improve products and services
24 for borrowers, provided there are no gifts or compensation
25 (including for transportation, lodging, or related expenses)

1 provided by lenders in connection with seeking this advice
2 from such institutions. Nothing in this subsection shall
3 prohibit an officer, employee, or agent of a covered institu-
4 tion from serving on the board of directors of a lender
5 if required by State law.

6 **“SEC. 156. COMPLIANCE AND ENFORCEMENT.**

7 “(a) CONDITION OF ANY FEDERAL ASSISTANCE.—
8 Notwithstanding any other provision of law, a covered in-
9 stitution or lender shall comply with this part as a condi-
10 tion of receiving Federal funds or assistance provided after
11 the date of enactment of the College Opportunity and Af-
12 fordability Act of 2008.

13 “(b) PENALTIES.—Notwithstanding any other provi-
14 sion of law, if the Secretary determines, after providing
15 notice and an opportunity for a hearing for a covered insti-
16 tution or lender, that the covered institution or lender has
17 violated subsection (a)—

18 “(1) in the case of a covered institution, or a
19 lender that does not participate in a loan program
20 under title IV, the Secretary may impose a civil pen-
21 alty in an amount of not more than \$27,500; and

22 “(2) in the case of a lender that does partici-
23 pate in a program under title IV, the Secretary may
24 impose a civil penalty in an amount of not more

1 than \$27,500, or limit, terminate, or suspend the
2 lender's participation in such program.

3 “(c) CONSIDERATIONS.—In taking any action against
4 a covered institution or lender under subsection (b), the
5 Secretary shall take into consideration the nature and se-
6 verity of the violation of subsection (a).

7 **“SEC. 157. STUDENT LOAN COUNSELING.**

8 “(a) BORROWER CONTACT.—

9 “(1) FFEL LOANS.—Each holder of a loan
10 under part B of title IV shall contact the borrower
11 each year after five years has passed from the date
12 that a borrower first selected either a graduated, ex-
13 tended, income sensitive, or income contingent re-
14 payment plan to ascertain if the borrower is able to
15 select a repayment plan with a shorter repayment
16 period that would reduce the total interest paid on
17 the borrower's loan or loans under this part.

18 “(2) DIRECT LOANS.—The Secretary shall con-
19 tact the borrower of each loan under part D or E
20 of title IV each year after five years has passed from
21 the date that a borrower first selected either an ex-
22 tended, graduated, income contingent, or alternative
23 repayment plan to ascertain if the borrower is able
24 to select a repayment plan for a shorter repayment

1 period that would reduce the total interest paid on
2 the borrower's loan under this part.

3 “(b) REQUIRED DISCLOSURE BEFORE DISBURSE-
4 MENT.—

5 “(1) DISCLOSURES BEFORE REPAYMENT.—

6 Each lender of a loan under part B of title IV, and
7 the Secretary with respect to each loan under part
8 D or E of such title, shall provide to the borrower
9 before repayment begins an explanation of principal
10 to be borrowed, current balance, interest already
11 paid, and interest due over the life of the loan, op-
12 tions by which borrowers may avoid or be removed
13 from default, relevant fees associated with these op-
14 tions, and repayment options available to the bor-
15 rower entering repayment, including income contin-
16 gent repayment and income-based repayment.

17 “(2) DISCLOSURES DURING REPAYMENT.—

18 Each lender of a loan under part B of title IV, and
19 the Secretary with respect to each loan under part
20 D or E of such title, shall provide to the borrower
21 during repayment an explanation of principal bor-
22 rowed, current balance, interest already paid and in-
23 terest due over the life of the loan, options by which
24 borrowers may avoid or be removed from default,
25 relevant fees associated with these options, and re-

1 payment options available to the borrower entering
2 repayment, including income contingent repayment
3 and income-based repayment. Each such lender and
4 the Secretary shall also notify any borrower who
5 tells the lender or the Secretary that the borrower
6 is having difficulty making payments of the repay-
7 ment options available, including forbearance. Each
8 such lender and the Secretary shall make an expla-
9 nation of repayment options available to the bor-
10 rower, including income contingent repayment and
11 forbearance, before the loan is disbursed, before re-
12 payment, and during repayment if the borrower noti-
13 fies the lender or the Secretary that the borrower is
14 having difficulty making payments.

15 “(c) INSTITUTIONAL COUNSELING.—

16 “(1) IN GENERAL.—Each institution of higher
17 education shall, through financial aid officers or oth-
18 erwise, make available counseling to borrowers of
19 loans which are made, insured, or guaranteed under
20 part B (other than loans made pursuant to section
21 428B) of this title or made under part D or E of
22 this title prior to their signing the first promissory
23 note. The counseling shall include—

24 “(A) average indebtedness of borrowers at
25 that school, to be supplied by the Secretary;

1 “(B) sample monthly repayment amounts
2 based on a range of student levels of indebted-
3 ness and on the average indebtedness of Staf-
4 ford loan borrowers at the same school or in the
5 same program of study at the same school;

6 “(C) data to be supplied by the Secretary
7 on starting salaries for graduates of institutions
8 by type and control of institution, and field of
9 study;

10 “(D) repayment options available to the
11 borrower when entering repayment, including
12 income contingent repayment and income-based
13 repayment;

14 “(E) detail to be supplied by the Secretary
15 on how interest accrues and is capitalized dur-
16 ing periods when it is not being paid by either
17 the borrower or the Secretary; and

18 “(F) the likely consequences of default, in-
19 cluding adverse credit reports, Federal offset,
20 and litigation.

21 “(2) USE OF ELECTRONIC MEANS.—If initial
22 counseling is conducted through interactive elec-
23 tronic means, the institution of higher education
24 shall take reasonable steps to ensure that each stu-

1 dent borrower receives the counseling materials, and
2 participates in and completes the initial counseling.

3 “(d) DEPARTMENT OF EDUCATION INFORMATION
4 DISCLOSURE AND TECHNICAL ASSISTANCE.—

5 “(1) OBLIGATION.—The Secretary shall display
6 on the Department of Education website and provide
7 to colleges and universities the following information
8 to be used for counseling and consumer information
9 for prospective borrowers:

10 “(A) Regional data on starting salaries in
11 all major fields.

12 “(B) The increase in debt that results
13 from forbearance on all loans and from capital-
14 ization of interest on unsubsidized loans.

15 “(C) The various repayment options avail-
16 able in the Federal student loan programs, in-
17 cluding the availability of the income contingent
18 repayment (ICR) program and the income-
19 based repayment programs (IBR).

20 “(D) The Federal Government’s powers to
21 collect student loans, even when student bor-
22 rowers are in bankruptcy.

23 “(2) PUBLICITY.—The Secretary shall make
24 the location of the information under paragraph (1)
25 widely known among the public, institutions, and

1 lenders, and promote the use of such information by
2 prospective students, enrolled students, and bor-
3 rowers after entering repayment.”.

4 **SEC. 116. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC**
5 **STUDENT LOAN MARKETPLACE.**

6 (a) STUDY REQUIRED.—The Secretary of Education
7 shall conduct a study of the feasibility of developing a Na-
8 tional Electronic Student Loan Marketplace that would
9 provide for one or more of the following:

10 (1) A registry of real-time information on Fed-
11 eral student loans (including loans under parts B
12 and D of title IV of the Higher Education Act of
13 1965) and private educational loans (as defined in
14 section 151 such Act of 1965 (as amended by this
15 Act)) for both undergraduate and graduate students,
16 and parents of students, for use by prospective bor-
17 rowers or any person desiring information regarding
18 available interest rates, fees, and other terms from
19 lenders.

20 (2) Means by which lenders that participate in
21 such marketplace would be bound to honor adver-
22 tised rates or benefits.

23 (3) A mechanism whereby borrowers and stu-
24 dent financial aid officials could publicly post or oth-
25 erwise make available for users accessing the system

1 their comments, opinions, or ratings concerning their
2 experience as to the quality of lenders' loan products
3 and loan servicing and other measurements or indi-
4 cators of customer satisfaction.

5 (4) A mechanism whereby prospective bor-
6 rowers could be matched with lenders that offer
7 highly competitive products and loan servicing qual-
8 ity, including any procedures and safeguards nec-
9 essary to minimize potentially adverse effects of mul-
10 tiple inquiries into participating borrowers' credit
11 histories recorded by credit reporting agencies.

12 (5) Options concerning the establishment and
13 ongoing maintenance of such a system, including
14 whether such a system should be operated by one or
15 more nonprofit or for-profit entities, how these enti-
16 ties should structure or organize such a system in
17 order to provide the highest assurance of independ-
18 ence from, and the absence of any conflicting inter-
19 est with, lenders participating in such a system, and
20 methods to finance such a system at no or minimal
21 cost to consumers and the Government.

22 (6) Other features that the Secretary deter-
23 mines could help prospective borrowers make in-
24 formed decisions in selecting lenders from whom to
25 obtain Federal and private educational loans.

1 (b) CONSULTATION.—In conducting the study re-
2 quired by this section, the Secretary of Education shall
3 consult with—

4 (1) the Federal Trade Commission;

5 (2) representatives of student loan borrowers;

6 (3) representatives from institutions of higher
7 education, including financial aid administrators,
8 registrars, business officers, and student affairs offi-
9 cials;

10 (4) Federal and private education loan lenders,
11 loan servicers, and guaranty agencies; and

12 (5) any other appropriate agency that is a
13 member of the Financial Literacy and Education
14 Commission established under the Financial Lit-
15 eracy and Education Improvement Act (20 U.S.C.
16 9701 et seq.).

17 (c) REPORT.—Not later than 6 months after comple-
18 tion of the model interest rate report format required
19 under section 153(a)(1) of the Higher Education Act of
20 1965 (as amended by this Act), the Secretary of Edu-
21 cation shall submit a report to the authorizing committees
22 (as defined in section 103 of such Act) concerning the
23 findings of the feasibility study together with an assess-
24 ment of the advantages and disadvantages for consumers,

1 institutions of higher education, lenders, and the Govern-
2 ment of establishing such a system.

3 **TITLE II—TITLE II REVISION**

4 **SEC. 201. REVISION OF TITLE II.**

5 Title II (20 U.S.C. 1021 et seq.) is amended to read
6 as follows:

7 **“TITLE II—TEACHER QUALITY**
8 **ENHANCEMENT**

9 **“SEC. 200. DEFINITIONS.**

10 “For purposes of this title:

11 “(1) ARTS AND SCIENCES.—The term ‘arts and
12 sciences’ means—

13 “(A) when referring to an organizational
14 unit of an institution of higher education, any
15 academic unit that offers 1 or more academic
16 majors in disciplines or content areas cor-
17 responding to the academic subject matter
18 areas in which teachers provide instruction; and

19 “(B) when referring to a specific academic
20 subject area, the disciplines or content areas in
21 which academic majors are offered by the arts
22 and sciences organizational unit.

23 “(2) CHILDREN FROM LOW-INCOME FAMI-
24 LIES.—The term ‘children from low-income families’
25 means children as described in section 1124(c)(1)(A)

1 of the Elementary and Secondary Education Act of
2 1965.

3 “(3) CORE ACADEMIC SUBJECTS.—The term
4 ‘core academic subjects’ has the meaning given the
5 term in section 9101 of the Elementary and Sec-
6 ondary Education Act of 1965.

7 “(4) EARLY CHILDHOOD EDUCATION PRO-
8 GRAM.—The term ‘early childhood education pro-
9 gram’ means—

10 “(A) a Head Start program or an Early
11 Head Start program carried out under the
12 Head Start Act (42 U.S.C. 9831 et seq.), and
13 includes Migrant and Seasonal Head Start and
14 American Indian/Alaska Native Head Start;

15 “(B) a State licensed or regulated child
16 care program or school; or

17 “(C) a State prekindergarten program (in-
18 cluding a program authorized under section 619
19 or part C of the Individuals with Disabilities
20 Education Act) that serves children from birth
21 through kindergarten and that addresses the
22 children’s cognitive (including language, early
23 literacy, and pre-numeracy), social, emotional,
24 and physical development.

1 “(5) EARLY CHILDHOOD EDUCATOR.—The
2 term ‘early childhood educator’ means an individual
3 with primary responsibility for the education of chil-
4 dren in an early childhood education program.

5 “(6) EDUCATIONAL SERVICE AGENCY.—The
6 term ‘educational service agency’ has the meaning
7 given the term in section 9101 of the Elementary
8 and Secondary Education Act of 1965.

9 “(7) ESSENTIAL COMPONENTS OF READING IN-
10 STRUCTION.—The term ‘essential components of
11 reading instruction’ has the meaning given such
12 term in section 1208 of the Elementary and Sec-
13 ondary Education Act of 1965.

14 “(8) EXEMPLARY TEACHER.—The term ‘exem-
15 plary teacher’ has the meaning given such term in
16 section 9101 of the Elementary and Secondary Edu-
17 cation Act of 1965.

18 “(9) HIGH-NEED EARLY CHILDHOOD EDU-
19 CATION PROGRAM.—The term ‘high-need early child-
20 hood education program’ means an early childhood
21 education program serving children from low-income
22 families that is located within the geographic area
23 served by a high-need local educational agency.

1 “(10) HIGH-NEED LOCAL EDUCATIONAL AGEN-
2 CY.—The term ‘high-need local educational agency’
3 means a local educational agency—

4 “(A)(i) for which not less than 20 percent
5 of the children served by the agency are chil-
6 dren from low-income families;

7 “(ii) that serves not fewer than 10,000
8 children from low-income families; or

9 “(iii) with a total of less than 600 students
10 in average daily attendance at the schools that
11 are served by the agency, and all of the schools
12 that are served by the agency are designated
13 with a school locale code of Rural: Fringe,
14 Rural: Distant, or Rural: Remote, as deter-
15 mined by the Secretary; and

16 “(B)(i) for which there is a high percent-
17 age of teachers not teaching in the academic
18 subject areas or grade levels in which the teach-
19 ers were trained to teach; or

20 “(ii) for which there is a high teacher
21 turnover rate or a high percentage of teachers
22 with emergency, provisional, or temporary cer-
23 tification or licensure.

24 “(11) HIGH-NEED SCHOOL.—Notwithstanding
25 section 103, the term ‘high-need school’ means a

1 public elementary school or public secondary school
2 that—

3 “(A) is among the highest 25 percent of
4 schools served by the local educational agency
5 that serves the school, in terms of the percent-
6 age of students from families with incomes
7 below the poverty line; or

8 “(B) is designated with a school locale
9 code of Rural: Fringe, Rural: Distant, or Rural:
10 Remote, as determined by the Secretary.

11 “(12) HIGHLY COMPETENT.—The term ‘highly
12 competent’, when used with respect to an early
13 childhood educator, means an educator—

14 “(A) with specialized education and train-
15 ing in development and education of young chil-
16 dren from birth until entry into kindergarten;

17 “(B) with—

18 “(i) a baccalaureate degree in an aca-
19 demic major in the arts and sciences; or

20 “(ii) an associate’s degree in a related
21 educational area; and

22 “(C) who has demonstrated a high level of
23 knowledge and use of content and pedagogy in
24 the relevant areas associated with quality early
25 childhood education.

1 “(13) HIGHLY QUALIFIED.—The term ‘highly
2 qualified’ has the meaning given such term in sec-
3 tion 9101 of the Elementary and Secondary Edu-
4 cation Act of 1965 and, with respect to special edu-
5 cation teachers, in section 602 of the Individuals
6 with Disabilities Education Act.

7 “(14) LITERACY COACH.—The term ‘literacy
8 coach’ means an individual—

9 “(A) who—

10 “(i) has teaching experience and a
11 master’s degree with a concentration in
12 reading and writing education; and

13 “(ii) has demonstrated proficiency (as
14 determined by the principal of the individ-
15 ual’s school) in teaching reading and writ-
16 ing in a content area such as math,
17 science, or social studies;

18 “(B) whose primary role with teachers and
19 school personnel is—

20 “(i) to provide high-quality profes-
21 sional development opportunities for teach-
22 ers and school personnel related to literacy;

23 “(ii) with respect to the areas of read-
24 ing and writing, to collaborate with para-
25 professionals, teachers, principals, and

1 other administrators, and the community
 2 served by the school; and

3 “(iii) to work cooperatively and col-
 4 laboratively with other professionals in
 5 planning programs to meet the needs of di-
 6 verse population learners, including chil-
 7 dren with disabilities and limited English
 8 proficient individuals; and

9 “(C) who may provide students with—

10 “(i) reading or writing diagnosis and
 11 instruction; and

12 “(ii) reading and writing assessment,
 13 including assessment in cooperation with
 14 other professionals (such as special edu-
 15 cation teachers, speech and language
 16 teachers, and school psychologists).

17 “(15) POVERTY LINE.—The term ‘poverty line’
 18 means the poverty line (as defined in section 673(2)
 19 of the Community Services Block Grant Act (42
 20 U.S.C. 9902(2))) applicable to a family of the size
 21 involved.

22 “(16) PROFESSIONAL DEVELOPMENT.—The
 23 term ‘professional development’ has the meaning
 24 given the term in section 9101 of the Elementary
 25 and Secondary Education Act of 1965.

1 “(17) SCIENTIFICALLY VALID RESEARCH.—The
2 term ‘scientifically valid research’ includes applied
3 research, basic research, and field-initiated research
4 in which the rationale, design, and interpretation are
5 soundly developed in accordance with accepted prin-
6 ciples of scientific research.

7 “(18) TEACHING SKILLS.—The term ‘teaching
8 skills’ means skills that enable a teacher to—

9 “(A) increase student learning, achieve-
10 ment, and the ability to apply knowledge;

11 “(B) effectively convey and explain aca-
12 demic subject matter;

13 “(C) employ strategies grounded in the
14 disciplines of teaching and learning that—

15 “(i) are based on empirically based
16 practice and scientifically valid research,
17 where applicable, related to teaching and
18 learning;

19 “(ii) are specific to academic subject
20 matter; and

21 “(iii) focus on the identification of
22 students’ specific learning needs, particu-
23 larly students with disabilities, students
24 who are limited English proficient, stu-
25 dents who are gifted and talented, and stu-

1 dents with low literacy levels, and the tai-
2 loring of academic instruction to such
3 needs;

4 “(D) conduct an ongoing assessment of
5 student learning, which may include the use of
6 formative assessments, performance-based as-
7 sessments, project-based assessments, or port-
8 folio assessments, that measure higher-order
9 thinking skills, including application, analysis,
10 synthesis, and evaluation;

11 “(E) effectively manage a classroom, in-
12 cluding the ability to implement positive behav-
13 ioral intervention support strategies;

14 “(F) communicate and work with parents
15 and guardians, and involve parents and guard-
16 ians in their children’s education; and

17 “(G) use, in the case of an early childhood
18 educator, age-appropriate and developmentally
19 appropriate strategies and practices for children
20 in early education programs.

21 **“SEC. 200A. RULE OF CONSTRUCTION.**

22 “Nothing in this title shall be construed to alter or
23 otherwise affect the rights, remedies, and procedures af-
24 forded to the employees of local educational agencies
25 under Federal, State, or local laws (including applicable

1 regulations or court orders) or under the terms of collec-
 2 tive bargaining agreements, memoranda of understanding,
 3 or other agreements between such employees and their em-
 4 ployers, including the right of employees of local edu-
 5 cational agencies to engage in collective bargaining with
 6 their employers.

7 **“PART A—TEACHER QUALITY PARTNERSHIP**
 8 **GRANTS**

9 **“SEC. 201. PURPOSES; DEFINITIONS.**

10 “(a) PURPOSES.—The purposes of this part are to—

11 “(1) improve student achievement;

12 “(2) improve the quality of the current and fu-
 13 ture teaching force by improving the preparation of
 14 prospective teachers and enhancing professional de-
 15 velopment activities;

16 “(3) hold teacher preparation programs at in-
 17 stitutions of higher education accountable for pre-
 18 paring highly qualified teachers; and

19 “(4) recruit highly qualified individuals, includ-
 20 ing minorities and individuals from other occupa-
 21 tions, into the teaching force.

22 “(b) DEFINITIONS.—In this part:

23 “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
 24 ble partnership’ means an entity that—

25 “(A) shall include—

1 “(i) a high-need local educational
2 agency;

3 “(ii) a high-need school or a consor-
4 tium of high-need schools served by the
5 high-need local educational agency or, as
6 applicable, a high-need early childhood
7 education program;

8 “(iii) a partner institution;

9 “(iv) a school, department, or pro-
10 gram of education within such partner in-
11 stitution or a teacher professional develop-
12 ment program within such partner institu-
13 tion; and

14 “(v) a school or department of arts
15 and sciences within such partner institu-
16 tion; and

17 “(B) may include any of the following:

18 “(i) The Governor of the State.

19 “(ii) The State educational agency.

20 “(iii) The State board of education.

21 “(iv) The State agency for higher edu-
22 cation.

23 “(v) A business.

24 “(vi) A public or private nonprofit
25 educational organization.

1 “(vii) An educational service agency.

2 “(viii) A teacher organization.

3 “(ix) A high-performing local edu-
4 cational agency, or a consortium of such
5 local educational agencies, that can serve
6 as a resource to the partnership.

7 “(x) A charter school (as defined in
8 section 5210 of the Elementary and Sec-
9 ondary Education Act of 1965).

10 “(xi) A school or department within
11 the partner institution that focuses on psy-
12 chology and human development.

13 “(xii) A school or department within
14 the partner institution with comparable ex-
15 pertise in the disciplines of teaching, learn-
16 ing, and child and adolescent development.

17 “(xiii) An entity operating a program
18 that provides alternative routes to State
19 certification of teachers.

20 “(2) INDUCTION PROGRAM.—The term ‘induc-
21 tion program’ means a formalized program for new
22 teachers during not less than the teachers’ first 2
23 years of teaching that is designed to provide support
24 for, and improve the professional performance and
25 advance the retention in the teaching field of, begin-

1 ning teachers. Such program shall promote effective
2 teaching skills and shall include the following compo-
3 nents:

4 “(A) High-quality teacher mentoring.

5 “(B) Periodic, structured time for collabo-
6 ration with mentor teachers in the same depart-
7 ment or field, as well as time for information-
8 sharing among teachers, principals, administra-
9 tors, and participating faculty in the partner in-
10 stitution.

11 “(C) The application of empirically based
12 practice and scientifically valid research on in-
13 structional practices.

14 “(D) Opportunities for new teachers to
15 draw directly upon the expertise of teacher
16 mentors, faculty, and researchers to support the
17 integration of empirically based practice and
18 scientifically valid research with practice.

19 “(E) The development of skills in instruc-
20 tional and behavioral interventions derived from
21 empirically based practice and, where applica-
22 ble, scientifically valid research.

23 “(F) Faculty who—

24 “(i) model the integration of research
25 and practice in the classroom; and

1 “(ii) assist new teachers with the ef-
2 fective use and integration of technology in
3 the classroom.

4 “(G) Interdisciplinary collaboration among
5 exemplary teachers, faculty, researchers, and
6 other staff who prepare new teachers with re-
7 spect to the learning process and the assess-
8 ment of learning.

9 “(H) Assistance with the understanding of
10 data, particularly student achievement data,
11 and the data’s applicability in classroom in-
12 struction.

13 “(I) Structured and formal observation of
14 new teachers, and feedback for such teachers,
15 at least 4 times each school year by multiple
16 evaluators, including master teachers and the
17 principal, using valid and reliable benchmarks
18 of teaching skills and standards developed with
19 input from teachers.

20 “(3) PARTNER INSTITUTION.—The term ‘part-
21 ner institution’ means an institution of higher edu-
22 cation, which may include a 2-year institution of
23 higher education offering a dual program with a 4-
24 year institution of higher education, participating in

1 an eligible partnership that has a teacher prepara-
2 tion program—

3 “(A) whose graduates exhibit strong per-
4 formance on State-determined qualifying assess-
5 ments for new teachers through—

6 “(i) demonstrating that 80 percent or
7 more of the graduates of the program who
8 intend to enter the field of teaching have
9 passed all of the applicable State qualifica-
10 tion assessments for new teachers, which
11 shall include an assessment of each pro-
12 spective teacher’s subject matter knowledge
13 in the content area in which the teacher in-
14 tends to teach; or

15 “(ii) being ranked among the highest-
16 performing teacher preparation programs
17 in the State as determined by the State—

18 “(I) using criteria consistent with
19 the requirements for the State report
20 card under section 205(b); and

21 “(II) using the State report card
22 on teacher preparation required under
23 section 205(b), after the first publica-
24 tion of such report card and for every
25 year thereafter;

1 “(B) that requires—

2 “(i) each student in the program to
3 meet and demonstrate high academic
4 standards (including prior to entering and
5 being accepted into a program) and par-
6 ticipate in intensive clinical experience;

7 “(ii) each student in the program pre-
8 paring to become a teacher to become
9 highly qualified; and

10 “(iii) each student in the program
11 preparing to become an early childhood ed-
12 ucator to meet degree requirements, as es-
13 tablished by the State, and become highly
14 competent; or

15 “(C) whose participants include current
16 teachers who seek ongoing professional develop-
17 ment in the subject matter knowledge in which
18 the teacher is assigned to teach; and

19 “(D) that requires the faculty of arts and
20 sciences of the partner institution to lead col-
21 laborative seminars for such participants for
22 the purpose of—

23 “(i) improving student learning;

24 “(ii) enhancing the quality of teaching
25 and strengthening subject matter mastery

1 and the pedagogical skills of current teach-
2 ers through continuing professional devel-
3 opment; and

4 “(iii) developing curriculum units,
5 based on the subject matter presented, for
6 use in the teachers’ classrooms.

7 “(4) TEACHER MENTORING.—The term ‘teach-
8 er mentoring’ means the mentoring of new or pro-
9 spective teachers through a new or established pro-
10 gram that—

11 “(A) includes clear criteria for the selec-
12 tion of teacher mentors who will provide role
13 model relationships for mentees, which criteria
14 shall be developed by the eligible partnership
15 and based on measures of teacher effectiveness;

16 “(B) provides high-quality training for
17 such mentors, including instructional strategies
18 for literacy instruction and classroom manage-
19 ment;

20 “(C) provides regular and ongoing oppor-
21 tunities for mentors and mentees to observe
22 each other’s teaching methods in classroom set-
23 tings during the day in a high-need school in
24 the high-need local educational agency in the el-
25 igible partnership;

1 “(D) provides paid release time for men-
2 tors;

3 “(E) provides mentoring to each mentee by
4 a colleague who teaches in the same field,
5 grade, or subject as the mentee;

6 “(F) promotes empirically based practice
7 of, and scientifically valid research on, where
8 applicable—

9 “(i) teaching and learning;

10 “(ii) assessment of student learning;

11 “(iii) the development of teaching
12 skills through the use of instructional and
13 behavioral interventions; and

14 “(iv) the improvement of the mentees’
15 capacity to measurably advance student
16 learning; and

17 “(G) includes—

18 “(i) common planning time or regu-
19 larly scheduled collaboration for the men-
20 tor and mentee; and

21 “(ii) joint professional development
22 opportunities.

23 “(5) TEACHING RESIDENCY PROGRAM.—The
24 term ‘teaching residency program’ means a school-

1 based teacher preparation program in which a pro-
 2 spective teacher—

3 “(A) for 1 academic year, teaches along-
 4 side a mentor teacher, who is the teacher of
 5 record;

6 “(B) receives concurrent instruction during
 7 the year described in subparagraph (A) from
 8 the partner institution, which may include
 9 courses taught by local educational agency per-
 10 sonnel or residency program faculty, in the
 11 teaching of the content area in which the teach-
 12 er will become certified or licensed;

13 “(C) acquires effective teaching skills; and

14 “(D) prior to completion of the program,
 15 earns a master’s degree, attains full State
 16 teacher certification or licensure, and becomes
 17 highly qualified.

18 **“SEC. 202. PARTNERSHIP GRANTS.**

19 “(a) PROGRAM AUTHORIZED.—From amounts made
 20 available under section 209, the Secretary is authorized
 21 to award grants, on a competitive basis, to eligible part-
 22 nerships, to enable the eligible partnerships to carry out
 23 the activities described in subsection (c).

24 “(b) APPLICATION.—Each eligible partnership desir-
 25 ing a grant under this section shall submit an application

1 to the Secretary at such time, in such manner, and accom-
2 panied by such information as the Secretary may require.

3 Each such application shall contain—

4 “(1) a needs assessment of all the partners in
5 the eligible partnership with respect to the prepara-
6 tion, ongoing training, professional development, and
7 retention, of general and special education teachers,
8 principals, and, as applicable, early childhood edu-
9 cators;

10 “(2) a description of the extent to which the
11 program prepares prospective and new teachers with
12 strong teaching skills;

13 “(3) a description of how the program will pre-
14 pare prospective and new teachers to use research
15 and data to modify and improve instruction in the
16 classroom;

17 “(4) a description of how the partnership will
18 coordinate strategies and activities assisted under
19 the grant with other teacher preparation or profes-
20 sional development programs, including those funded
21 under the Elementary and Secondary Education Act
22 of 1965 and the Individuals with Disabilities Edu-
23 cation Act, and through the National Science Foun-
24 dation, and how the activities of the partnership will

1 be consistent with State, local, and other education
2 reform activities that promote student achievement;

3 “(5) a resource assessment that describes the
4 resources available to the partnership, including—

5 “(A) the integration of funds from other
6 sources;

7 “(B) the intended use of the grant funds;
8 and

9 “(C) the commitment of the resources of
10 the partnership, including financial support,
11 faculty participation, and time commitments, to
12 the activities assisted under this section and to
13 the continuation of the activities when the grant
14 ends;

15 “(6) a description of—

16 “(A) how the partnership will meet the
17 purposes of this part;

18 “(B) how the partnership will carry out
19 the activities required under subsection (d) or
20 (e) based on the needs identified in paragraph
21 (1), with the goal of improving student achieve-
22 ment;

23 “(C) the partnership’s evaluation plan
24 under section 204(a);

1 “(D) how the partnership will align the
2 teacher preparation program with the—

3 “(i) State early learning standards for
4 early childhood education programs, as ap-
5 propriate, and with the relevant domains of
6 early childhood development; and

7 “(ii) student academic achievement
8 standards and academic content standards
9 under section 1111(b)(2) of the Elemen-
10 tary and Secondary Education Act of
11 1965, established by the State in which the
12 partnership is located;

13 “(E) how the partnership will prepare gen-
14 eral education teachers to teach students with
15 disabilities, including training related to partici-
16 pation as a member of individualized education
17 program teams, as defined in section
18 614(d)(1)(B) of the Individuals with Disabil-
19 ities Education Act;

20 “(F) how the partnership will prepare gen-
21 eral education and special education teachers to
22 teach students with limited English proficiency;

23 “(G) how faculty at the partner institution
24 will work, during the term of the grant, with
25 highly qualified teachers in the classrooms of

1 schools served by the high-need local edu-
2 cational agency in the partnership to provide
3 high-quality professional development activities;

4 “(H) how the partnership will design, im-
5 plement, or enhance a year-long, rigorous, and
6 enriching teaching pre-service clinical program
7 component;

8 “(I) how the partnership will support in-
9 service professional development strategies and
10 activities; and

11 “(J) how the partnership will collect, ana-
12 lyze, and use data on the retention of all teach-
13 ers and early childhood educators in schools
14 and early childhood programs located in the ge-
15 ographic area served by the partnership to
16 evaluate the effectiveness of the partnership’s
17 teacher and educator support system; and

18 “(7) with respect to the induction program re-
19 quired as part of the activities carried out under this
20 section—

21 “(A) a description of how the teacher prep-
22 aration program will design and implement an
23 induction program to support all new teachers
24 through not less than the first 2 years of teach-
25 ing in the further development of the new

1 teachers' teaching skills, including the use of
2 mentors who are trained and compensated by
3 such program for the mentors' work with new
4 teachers;

5 “(B) a demonstration that the schools and
6 departments within the institution of higher
7 education that are part of the induction pro-
8 gram have relevant and essential roles in the ef-
9 fective preparation of teachers, including con-
10 tent expertise and expertise in teaching;

11 “(C) a demonstration of the partnership's
12 capability and commitment to the use of empiri-
13 cally based practice and scientifically valid re-
14 search related to teaching and learning, and the
15 accessibility to and involvement of faculty; and

16 “(D) a description of how faculty involved
17 in the induction program will be able to sub-
18 stantially participate in an early childhood edu-
19 cation program or an elementary or secondary
20 school classroom setting, as applicable, includ-
21 ing release time and receiving workload credit
22 for such participation.

23 “(c) REQUIRED USE OF GRANT FUNDS.—An eligible
24 partnership that receives a grant under this section shall
25 use grant funds to carry out a program for the pre-bacca-

1 laureate preparation of teachers under subsection (d), a
 2 teaching residency program under subsection (e), a leader-
 3 ship development program under subsection (f), or a com-
 4 bination of two or more such programs.

5 “(d) PARTNERSHIP GRANTS FOR PRE-BACCA-
 6 LAUREATE PREPARATION OF TEACHERS.—An eligible
 7 partnership that receives a grant to carry out an effective
 8 program for the pre-baccalaureate preparation of teachers
 9 shall carry out a program that includes all of the following:

10 “(1) REFORMS.—

11 “(A) IN GENERAL.—Implementing re-
 12 forms, described in subparagraph (B), within
 13 each teacher preparation program and, as appli-
 14 cable, each preparation program for early child-
 15 hood education programs, of the eligible part-
 16 nership that is assisted under this section, to
 17 hold each program accountable for—

18 “(i) preparing—

19 “(I) current or prospective teach-
 20 ers to be highly qualified (including
 21 teachers in rural school districts who
 22 may teach multiple subjects, special
 23 educators, teachers of students who
 24 are limited English proficient who
 25 may teach multiple subjects, and

1 teachers who are qualified to teach
2 Advanced Placement or International
3 Baccalaureate courses);

4 “(II) such teachers and, as appli-
5 cable, early childhood educators, to
6 understand empirically based practice
7 and scientifically valid research re-
8 lated to teaching and learning and its
9 applicability, and to use technology ef-
10 fectively, including the use of instruc-
11 tional techniques and strategies, con-
12 sistent with the principles of universal
13 design for learning, and positive be-
14 havioral support strategies to improve
15 student achievement; and

16 “(III) as applicable, early child-
17 hood educators to be highly com-
18 petent; and

19 “(ii) promoting strong teaching skills,
20 including the ability to effectively teach
21 higher-order analytical, evaluative, prob-
22 lem-solving, and communications skills,
23 and, as applicable, techniques for early
24 childhood educators to improve children’s

1 cognitive, social, emotional, and physical
2 development.

3 “(B) REQUIRED REFORMS.—The reforms
4 described in subparagraph (A) shall include—

5 “(i) implementing teacher preparation
6 program curriculum changes that improve,
7 evaluate, and assess how well all prospec-
8 tive and new teachers develop teaching
9 skills;

10 “(ii) using empirically based practice
11 and scientifically valid research, where ap-
12 plicable, about the disciplines of teaching
13 and learning so that all prospective teach-
14 ers and, as applicable, early childhood edu-
15 cators—

16 “(I) can understand and imple-
17 ment research-based teaching prac-
18 tices in classroom-based instruction;

19 “(II) have knowledge of student
20 learning methods;

21 “(III) possess skills to analyze
22 student academic achievement data
23 and other measures of student learn-
24 ing, and use such data and measures

1 to improve instruction in the class-
2 room;

3 “(IV) possess teaching skills and
4 an understanding of effective instruc-
5 tional strategies across all applicable
6 content areas that enable general and
7 special education teachers and early
8 childhood educators to—

9 “(aa) meet the specific
10 learning needs of all students, in-
11 cluding students with disabilities,
12 students who are limited English
13 proficient, students who are gift-
14 ed and talented, students with
15 low literacy levels and, as appli-
16 cable, children in early childhood
17 education programs;

18 “(bb) differentiate instruc-
19 tion for such students; and

20 “(cc) effectively teach high-
21 order analytical, evaluative, prob-
22 lem solving and communications
23 skills appropriate for the teach-
24 er’s content or specialty area;

1 “(V) can effectively participate in
2 the individualized education program
3 process, as defined in section
4 614(d)(1)(B) of the Individuals with
5 Disabilities Education Act; and

6 “(VI) can successfully employ ef-
7 fective strategies for reading instruc-
8 tion using the essential components of
9 reading instruction;

10 “(iii) ensuring collaboration with de-
11 partments, programs, or units of a partner
12 institution outside of the teacher prepara-
13 tion program in all academic content areas
14 to ensure that new teachers receive train-
15 ing in both teaching and relevant content
16 areas in order to become highly qualified,
17 which may include training in multiple
18 subjects to teach multiple grade levels as
19 may be needed for individuals preparing to
20 teach in rural communities;

21 “(iv) developing and implementing an
22 induction program;

23 “(v) developing admissions goals and
24 priorities aligned with the hiring objectives

1 of the high-need local educational agency
2 in the eligible partnership; and

3 “(vi) implementing program cur-
4 riculum changes to prepare teachers to
5 teach Advanced Placement or International
6 Baccalaureate courses.

7 “(2) CLINICAL EXPERIENCE AND INTER-
8 ACTION.—Developing and improving a sustained and
9 high-quality pre-service clinical education program to
10 further develop the teaching skills of all prospective
11 teachers and, as applicable, early childhood edu-
12 cators, involved in the program. Such program shall
13 do the following:

14 “(A) Incorporate year-long opportunities
15 for enrichment activity or a combination of ac-
16 tivities, including—

17 “(i) clinical learning in classrooms in
18 high-need schools served by the high-need
19 local educational agency in the eligible
20 partnership and identified by the eligible
21 partnership; and

22 “(ii) closely supervised interaction be-
23 tween faculty and new and experienced
24 teachers, principals, and other administra-
25 tors at early childhood education programs

1 (as applicable), elementary schools, or sec-
2 ondary schools, and providing support for
3 such interaction.

4 “(B) Integrate pedagogy and classroom
5 practice and promote effective teaching skills in
6 academic content areas, which may include
7 preparation for meeting the unique needs of
8 teaching in rural communities.

9 “(C) Provide high-quality teacher men-
10 toring.

11 “(D)(i) Be offered over the course of a
12 program of teacher preparation;

13 “(ii) be tightly aligned with course work
14 (and may be developed as a 5th year of a teach-
15 er preparation program); and

16 “(iii) where feasible, allow prospective
17 teachers to learn to teach in the same school
18 district in which the teachers will work, learn-
19 ing the instructional initiatives and curriculum
20 of that district.

21 “(E) Provide support and training for
22 those individuals participating in an activity for
23 prospective teachers described in this paragraph
24 or paragraph (1) or (3), and for those who
25 serve as mentors for such teachers, based on

1 each individual's experience. Such support may
2 include—

3 “(i) with respect to a prospective
4 teacher or a mentor, release time for such
5 individual's participation;

6 “(ii) with respect to a faculty member,
7 receiving course workload credit and com-
8 pensation for time teaching in the eligible
9 partnership's activities; and

10 “(iii) with respect to a mentor, a sti-
11 pend, which may include bonus, differen-
12 tial, or incentive pay, based on their extra
13 skills and responsibilities.

14 “(3) INDUCTION PROGRAMS FOR NEW TEACH-
15 ERS.—Creating an induction program for new teach-
16 ers, or, in the case of an early childhood education
17 program, providing mentoring or coaching for new
18 early childhood educators.

19 “(4) SUPPORT AND TRAINING FOR PARTICI-
20 PANTS IN EARLY CHILDHOOD EDUCATION PRO-
21 GRAMS.—In the case of an eligible partnership fo-
22 cusing on early childhood educator preparation, im-
23 plementing initiatives that increase compensation for
24 early childhood educators who attain associate or
25 baccalaureate degrees in early childhood education.

1 “(5) TEACHER RECRUITMENT.—Developing and
2 implementing effective mechanisms (which may in-
3 clude alternative routes to State certification of
4 teachers) to ensure that the eligible partnership is
5 able to recruit qualified individuals to become highly
6 qualified teachers through the activities of the eligi-
7 ble partnership, which may include an emphasis on
8 recruiting into the teaching profession—

9 “(A) underrepresented populations;

10 “(B) individuals to teach in rural commu-
11 nities and teacher shortage areas, including
12 mathematics, science, special education, and in-
13 struction of limited English proficient students;
14 and

15 “(C) mid-career professionals from other
16 occupations, former military personnel, and re-
17 cent college graduates with proven records of
18 academic distinction.

19 “(6) LITERACY TRAINING.—Developing and im-
20 plementing a program to strengthen content knowl-
21 edge and teaching skills of elementary and secondary
22 school teachers or literacy coaches that—

23 “(A) provides teacher training in reading
24 instruction for elementary or secondary school
25 teachers or literacy coaches who—

1 “(i) train classroom teachers to imple-
2 ment literacy programs; or

3 “(ii) tutor students with intense indi-
4 vidualized reading, writing, and subject
5 matter instruction during or beyond the
6 school day;

7 “(B) develops or redesigns rigorous evi-
8 denced-based reading curricula that are aligned
9 with challenging State academic content stand-
10 ards, as required under section 1111(b)(1) of
11 the Elementary and Secondary Education Act
12 of 1965, and with postsecondary standards for
13 reading and writing;

14 “(C) provides opportunities for teachers to
15 plan and assess instruction with other teachers,
16 school leaders, and faculty at institutions of
17 higher education;

18 “(D) provides training and professional de-
19 velopment for principals to prepare them to un-
20 derstand the teaching of reading, guide instruc-
21 tion, and foster school improvement; and

22 “(E) establishes an evaluation and ac-
23 countability plan for activities conducted under
24 this paragraph to measure the impact of such
25 activities.

1 “(e) PARTNERSHIP GRANTS FOR THE ESTABLISH-
2 MENT OF TEACHING RESIDENCY PROGRAMS.—

3 “(1) IN GENERAL.—An eligible partnership re-
4 ceiving a grant to carry out an effective teaching
5 residency program shall carry out a program that
6 includes all of the following activities:

7 “(A) Supporting a teaching residency pro-
8 gram described in paragraph (2) for high-need
9 subjects and areas, as determined by the needs
10 of the high-need local educational agency in the
11 partnership.

12 “(B) Where feasible, attempt to place
13 graduates of the teaching residency program in
14 cohorts that facilitate professional collaboration,
15 both among graduates of the teaching residency
16 program and between such graduates and men-
17 tor teachers in the receiving school.

18 “(C) Ensuring that teaching residents that
19 participated in the teaching residency program
20 receive—

21 “(i) effective pre-service preparation
22 as described in paragraph (2);

23 “(ii) teacher mentoring;

1 “(iii) induction through the induction
2 program as the teaching residents enter
3 the classroom as new teachers; and

4 “(iv) the preparation described in sub-
5 paragraphs (A), (B), and (C) of subsection
6 (d)(2).

7 “(2) TEACHING RESIDENCY PROGRAMS.—

8 “(A) ESTABLISHMENT AND DESIGN.—A
9 teaching residency program under this sub-
10 section shall be a program based upon models
11 of successful teaching residencies that serves as
12 a mechanism to prepare teachers for success in
13 the high-need schools in the eligible partner-
14 ship, and shall be designed to include the fol-
15 lowing characteristics of successful programs:

16 “(i) The integration of pedagogy,
17 classroom practice, and teacher mentoring.

18 “(ii) Engagement of teaching resi-
19 dents in rigorous graduate-level course
20 work to earn a master’s degree while un-
21 dertaking a guided teaching apprentice-
22 ship.

23 “(iii) Experience and learning oppor-
24 tunities alongside a trained and experi-
25 enced mentor teacher—

1 “(I) whose teaching shall com-
2 plement the residency program so that
3 classroom clinical practice is tightly
4 aligned with course work;

5 “(II) who shall have extra re-
6 sponsibilities as a teacher leader of
7 the teaching residency program, as a
8 mentor for residents, and as a teacher
9 coach during the induction program
10 for novice teachers, and for estab-
11 lishing, within the program, a learn-
12 ing community in which all individuals
13 are expected to continually improve
14 their capacity to advance student
15 learning; and

16 “(III) who may have full relief
17 from teaching duties as a result of
18 such additional responsibilities.

19 “(iv) The establishment of clear cri-
20 teria for the selection of mentor teachers
21 based on measures of teacher effectiveness
22 and the appropriate subject area knowl-
23 edge. Evaluation of teacher effectiveness
24 shall be based on, but is not required to in-
25 clude all of, the observations of such do-

1 mains of teaching, which may include the
2 following:

3 “(I) Planning and preparation,
4 including demonstrated knowledge of
5 content, pedagogy, and assessment,
6 including the use of formative assess-
7 ments to improve student learning.

8 “(II) Appropriate instruction
9 that engages students with different
10 learning styles, including students
11 with disabilities.

12 “(III) Collaboration with col-
13 leagues to improve instruction.

14 “(IV) Analysis of gains in stu-
15 dent learning, based on multiple
16 measures, that, when feasible, may in-
17 clude valid and reliable objective
18 measures of the influence of teachers
19 on the rate of student academic
20 progress.

21 “(V) In the case of mentor can-
22 didates who will be mentoring current
23 or future literacy and mathematics
24 coaches or instructors, appropriate
25 skills in the essential components of

1 reading instruction, teacher training
2 in literacy instructional strategies
3 across core subject areas, and teacher
4 training in mathematics instructional
5 strategies, as appropriate.

6 “(v) Grouping of teaching residents in
7 cohorts to facilitate professional collabora-
8 tion among such residents.

9 “(vi) The development of admissions
10 goals and priorities aligned with the hiring
11 objectives of the local educational agency
12 partnering with the program, as well as
13 the instructional initiatives and curriculum
14 of the agency, in exchange for a commit-
15 ment by the agency to hire graduates from
16 the teaching residency program.

17 “(vii) Support for residents, once the
18 teaching residents are hired as teachers of
19 record, through an induction program, pro-
20 fessional development, and networking op-
21 portunities to support the residents
22 through not less than the residents’ first 2
23 years of teaching.

24 “(viii) Admission goals and priorities
25 which may include consideration of appli-

1 cants who reflect the communities in which
2 they will teach as well as consideration of
3 individuals from underrepresented popu-
4 lations in the teaching profession.

5 “(B) SELECTION OF INDIVIDUALS AS
6 TEACHER RESIDENTS.—

7 “(i) ELIGIBLE INDIVIDUAL.—In order
8 to be eligible to be a teacher resident in a
9 teaching residency program under this sub-
10 section, an individual shall—

11 “(I) be a recent graduate of a 4-
12 year institution of higher education or
13 a mid-career professional from outside
14 the field of education possessing
15 strong content knowledge or a record
16 of professional accomplishment; and

17 “(II) submit an application to
18 the teaching residency program.

19 “(ii) SELECTION CRITERIA.—An eligi-
20 ble partnership carrying out a teaching
21 residency program under this subsection
22 shall establish criteria for the selection of
23 eligible individuals to participate in the
24 teaching residency program based on the
25 following characteristics:

1 “(I) Strong content knowledge or
2 record of accomplishment in the field
3 or subject area to be taught.

4 “(II) Strong verbal and written
5 communication skills, which may be
6 demonstrated by performance on ap-
7 propriate tests.

8 “(III) Other attributes linked to
9 effective teaching, which may be de-
10 termined by interviews or performance
11 assessments, as specified by the eligi-
12 ble partnership.

13 “(C) STIPENDS; APPLICATIONS; AGREE-
14 MENTS; REPAYMENTS.—

15 “(i) STIPEND.—A teaching residency
16 program under this paragraph shall pro-
17 vide a 1-year living stipend or salary to
18 teaching residents during the 1-year teach-
19 ing residency program. The stipend or sal-
20 ary shall be provided for no longer than 1
21 year.

22 “(ii) APPLICATIONS FOR STIPENDS.—
23 Each teacher residency candidate desiring
24 a stipend or salary during the period of
25 residency shall submit an application to

1 the eligible partnership at such time, and
2 containing such information and assur-
3 ances, as the eligible partnership may re-
4 quire.

5 “(iii) AGREEMENTS TO SERVE.—Each
6 application submitted under clause (ii)
7 shall contain or be accompanied by an
8 agreement that the applicant will—

9 “(I) serve as a full-time teacher
10 for a total of not less than 3 academic
11 years after successfully completing the
12 teaching residency program;

13 “(II) teach in a high-need school
14 served by the high-need local edu-
15 cational agency in the eligible partner-
16 ship;

17 “(III) teach in a field designated
18 as high-need by the eligible partner-
19 ship;

20 “(IV) provide to the eligible part-
21 nership a certificate, from the chief
22 administrative officer of the school at
23 which the resident is employed, of the
24 employment required in subclauses
25 (I), (II), and (III), at the beginning

1 of, and upon completion of, each year
2 or partial year of service;

3 “(V) be a highly qualified teach-
4 er, as defined in section 9101 of the
5 Elementary and Secondary Education
6 Act of 1965, when the applicant be-
7 gins to fulfill the service obligation
8 under this clause; and

9 “(VI) comply with the require-
10 ments set by the eligible partnership
11 under clause (iv) if the applicant is
12 unable or unwilling to complete the
13 service obligation required by this
14 clause.

15 “(iv) REPAYMENTS.—

16 “(I) IN GENERAL.—An eligible
17 partnership carrying out a teaching
18 residency program under this sub-
19 section shall require a recipient of a
20 stipend or salary under this subpara-
21 graph who does not complete the serv-
22 ice obligation required by clause (iii)
23 to repay the stipend or salary to the
24 eligible partnership, together with in-
25 terest thereon accruing from the date

1 of the stipend or salary award, and in
2 accordance with such other terms and
3 conditions specified by the eligible
4 partnership, as necessary.

5 “(II) OTHER TERMS AND CONDI-
6 TIONS.—Any other terms and condi-
7 tions specified by the eligible partner-
8 ship may include reasonable provi-
9 sions for deferral of a teaching resi-
10 dent’s service obligation required by
11 clause (iii) on grounds of health, inca-
12 pacitation, inability to secure employ-
13 ment in a school served by the eligible
14 partnership, or other extraordinary
15 circumstances.

16 “(III) USE OF REPAYMENTS.—
17 An eligible partnership shall use any
18 repayment received under this clause
19 to carry out additional activities that
20 are consistent with the purposes of
21 this subsection.

22 “(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT
23 OF LEADERSHIP PROGRAMS.—

24 “(1) IN GENERAL.—An eligible partnership re-
25 ceiving a grant to carry out an effective leadership

1 program shall carry out a program that includes all
2 of the following activities:

3 “(A) Preparing students currently enrolled
4 or preparing to enroll in education administra-
5 tion programs in preparation for careers as su-
6 perintendents, principals, or other school ad-
7 ministrators (including students preparing to
8 work in rural local educational agencies (as
9 such term is defined in section 872 of this Act)
10 who may perform multiple duties in addition to
11 the role of administrator).

12 “(B) Promoting strong administrative
13 skills and, as applicable, techniques for edu-
14 cation administrators to improve the school en-
15 vironment and effectively manage schools.

16 “(C) Ensuring that students who partici-
17 pate in the leadership program receive—

18 “(i) effective pre-service preparation
19 as described in subparagraph (D); and

20 “(ii) mentoring by educational admin-
21 istrators.

22 “(D) Developing and improving a sus-
23 tained and high-quality pre-service clinical edu-
24 cation program to further develop the leader-
25 ship skills of all prospective educational admin-

1 administrators involved in the program. Such pro-
2 gram shall do the following:

3 “(i) Incorporate year-long opportuni-
4 ties for enrichment activity or a combina-
5 tion of activities, including—

6 “(I) clinical learning in high-need
7 schools served by the high-need local
8 educational agency in the eligible
9 partnership and identified by the eligi-
10 ble partnership; and

11 “(II) closely supervised inter-
12 action between faculty and new and
13 experienced teachers, principals, and
14 other administrators in high-need
15 schools served by the high-need local
16 educational agency in the eligible
17 partnership and identified by the eligi-
18 ble partnership.

19 “(ii) Integrate pedagogy and practice
20 and promote effective administrative skills
21 for meeting the unique needs of rural and
22 geographically isolated communities.

23 “(iii) Educational administrator men-
24 toring.

1 “(E) Creating an induction program for
2 new administrators.

3 “(F) Developing and implementing effective
4 mechanisms to ensure that the eligible
5 partnership is able to recruit qualified individuals
6 to become educational administrators
7 through the activities of the eligible partnership,
8 which may include an emphasis on recruiting
9 into the education administration profession—
10 sion—

11 “(i) underrepresented populations;

12 “(ii) individuals to serve as super-
13 intendants, principals, or other school ad-
14 ministrators in rural and geographically
15 isolated communities and shortage areas;
16 or

17 “(iii) mid-career professionals from
18 other occupations, former military per-
19 sonnel, and recent college graduates with
20 proven records of academic distinction.

21 “(2) SELECTION OF INDIVIDUALS FOR THE
22 LEADERSHIP PROGRAM.—In order to be eligible for
23 the leadership program under this subsection, an in-
24 dividual shall—

1 “(A) be enrolled in or preparing to enroll
2 in an institution of higher education, or a re-
3 cent graduate of an institution of higher edu-
4 cation, or a mid-career professional from out-
5 side the field of education possessing strong
6 content knowledge or a record of professional
7 accomplishment;

8 “(B) be current teachers who would like to
9 become principals or principals who would like
10 to be superintendents; and

11 “(C) submit an application to the leader-
12 ship program.

13 “(g) CONSULTATION.—

14 “(1) IN GENERAL.—Members of an eligible
15 partnership that receives a grant under this section
16 shall engage in regular consultation throughout the
17 development and implementation of programs and
18 activities under this section.

19 “(2) REGULAR COMMUNICATION.—To ensure
20 timely and meaningful consultation, regular commu-
21 nication shall occur among all members of the eligi-
22 ble partnership, including the high-need local edu-
23 cational agency. Such communication shall continue
24 throughout the implementation of the grant and the

1 assessment of programs and activities under this
2 section.

3 “(3) WRITTEN CONSENT.—The Secretary may
4 approve changes in grant activities of a grant under
5 this section only if a written consent signed by all
6 members of the eligible partnership is submitted to
7 the Secretary.

8 “(h) CONSTRUCTION.—Nothing in this section shall
9 be construed to prohibit an eligible partnership from using
10 grant funds to coordinate with the activities of eligible
11 partnerships in other States or on a regional basis through
12 Governors, State boards of education, State educational
13 agencies, State agencies responsible for early childhood
14 education, local educational agencies, or State agencies for
15 higher education.

16 “(i) SUPPLEMENT, NOT SUPPLANT.—Funds made
17 available to carry out this section shall be used to supple-
18 ment, and not supplant, other Federal, State, and local
19 funds that would otherwise be expended to carry out ac-
20 tivities under this section.

21 **“SEC. 203. ADMINISTRATIVE PROVISIONS.**

22 “(a) DURATION; NUMBER OF AWARDS; PAY-
23 MENTS.—

24 “(1) DURATION.—A grant awarded under this
25 part shall be awarded for a period of 5 years.

1 “(2) NUMBER OF AWARDS.—An eligible part-
2 nership may not receive more than 1 grant during
3 a 5-year period. Nothing in this title shall be con-
4 strued to prohibit an individual member, that can
5 demonstrate need, of an eligible partnership that re-
6 ceives a grant under this title from entering into an-
7 other eligible partnership consisting of new members
8 and receiving a grant with such other eligible part-
9 nership before the 5-year period described in the
10 preceding sentence applicable to the eligible partner-
11 ship with which the individual member has first
12 partnered has expired.

13 “(3) PAYMENTS.—The Secretary shall make
14 annual payments of grant funds awarded under this
15 part.

16 “(b) PEER REVIEW.—

17 “(1) PANEL.—The Secretary shall provide the
18 applications submitted under this part to a peer re-
19 view panel for evaluation. With respect to each ap-
20 plication, the peer review panel shall initially rec-
21 ommend the application for funding or for dis-
22 approval.

23 “(2) PRIORITY.—In recommending applications
24 to the Secretary for funding under this part, the
25 panel shall give priority—

1 “(A) to partnerships that include an insti-
2 tution of higher education whose teacher prepa-
3 ration program has a rigorous selection process
4 to ensure the highest quality of students enter-
5 ing such programs; and

6 “(B)(i) to applications from broad-based
7 eligible partnerships that involve businesses and
8 community organizations; or

9 “(ii) to eligible partnerships so that the
10 awards promote an equitable geographic dis-
11 tribution of grants among rural and urban
12 areas.

13 “(3) SECRETARIAL SELECTION.—The Secretary
14 shall determine, based on the peer review process,
15 which applications shall receive funding and the
16 amounts of the grants. In determining the grant
17 amount, the Secretary shall take into account the
18 total amount of funds available for all grants under
19 this part and the types of activities proposed to be
20 carried out by the eligible partnership.

21 “(c) MATCHING REQUIREMENTS.—

22 “(1) IN GENERAL.—Each eligible partnership
23 receiving a grant under this part shall provide, from
24 non-Federal sources, an amount equal to 100 per-
25 cent of the amount of the grant, which may be pro-

1 vided in cash or in-kind, to carry out the activities
2 supported by the grant.

3 “(2) WAIVER.—The Secretary may waive all or
4 part of the matching requirement described in para-
5 graph (1) for any fiscal year for an eligible partner-
6 ship, if the Secretary determines that applying the
7 matching requirement to the eligible partnership
8 would result in serious hardship or an inability to
9 carry out the authorized activities described in this
10 part.

11 “(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—
12 An eligible partnership that receives a grant under this
13 part may use not more than 2 percent of the grant funds
14 for purposes of administering the grant.

15 **“SEC. 204. ACCOUNTABILITY AND EVALUATION.**

16 “(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each
17 eligible partnership submitting an application for a grant
18 under this part shall establish and include in such applica-
19 tion an evaluation plan that includes strong performance
20 objectives. The plan shall include objectives and measures
21 for increasing—

22 “(1) student achievement for all students as
23 measured by the eligible partnership;

24 “(2) teacher retention in the first 3 years of a
25 teacher’s career;

1 “(3) improvement in the pass rates and scaled
2 scores for initial State certification or licensure of
3 teachers; and

4 “(4)(A) the percentage of highly qualified
5 teachers hired by the high-need local educational
6 agency participating in the eligible partnership;

7 “(B) the percentage of such teachers who are
8 members of underrepresented groups;

9 “(C) the percentage of such teachers who teach
10 high-need academic subject areas (such as reading,
11 mathematics, science, and foreign languages, includ-
12 ing less commonly taught languages and critical for-
13 eign languages);

14 “(D) the percentage of such teachers who teach
15 in high-need areas (including special education, lan-
16 guage instruction educational programs for limited
17 English proficient students, and early childhood edu-
18 cation);

19 “(E) the percentage of such teachers in high-
20 need schools, disaggregated by the elementary, mid-
21 dle, and high school levels;

22 “(F) as applicable, the percentage of early
23 childhood education program classes in the geo-
24 graphic area served by the eligible partnership

1 taught by early childhood educators who are highly
2 competent; and

3 “(G) as applicable, the number of teachers
4 trained effectively to integrate technology into cur-
5 ricula and instruction, including technology con-
6 sistent with the principles of universal design for
7 learning, and who use technology to collect, manage,
8 and analyze data to improve teaching, learning, and
9 decision making for the purpose of improving stu-
10 dent academic achievement.

11 “(b) INFORMATION.—An eligible partnership receiv-
12 ing a grant under this part shall ensure that teachers,
13 principals, school superintendents, and faculty and leader-
14 ship at institutions of higher education located in the geo-
15 graphic areas served by the eligible partnership are pro-
16 vided information about the activities carried out with
17 funds under this part, including through electronic means.

18 “(c) REVOCATION OF GRANT.—If the Secretary de-
19 termines that an eligible partnership receiving a grant
20 under this part is not making substantial progress in
21 meeting the purposes, goals, objectives, and measures, as
22 appropriate, of the grant by the end of the third year of
23 a grant under this part, then the Secretary shall require
24 such eligible partnership to submit a revised application
25 that identifies the steps the partnership will take to make

1 substantial progress to meet the purposes, goals, objec-
2 tives, and measures, as appropriate, of this part.

3 “(d) EVALUATION AND DISSEMINATION.—The Sec-
4 retary shall evaluate the activities funded under this part
5 and report the findings regarding the evaluation of such
6 activities to the authorizing committees. The Secretary
7 shall broadly disseminate—

8 “(1) successful practices developed by eligible
9 partnerships under this part; and

10 “(2) information regarding such practices that
11 were found to be ineffective.

12 **“SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
13 **PARE TEACHERS.**

14 “(a) INSTITUTIONAL AND PROGRAM REPORT CARDS
15 ON THE QUALITY OF TEACHER PREPARATION.—

16 “(1) REPORT CARD.—Each institution of higher
17 education that conducts a traditional teacher prepa-
18 ration program or alternative routes to State certifi-
19 cation or licensure program and that enrolls stu-
20 dents receiving Federal assistance under this Act
21 shall report annually to the State and the general
22 public, in a uniform and comprehensible manner
23 that conforms with the definitions and methods es-
24 tablished by the Secretary, both for traditional
25 teacher preparation programs and alternative routes

1 to State certification or licensure programs, the fol-
2 lowing information:

3 “(A) PASS RATES AND SCALED SCORES.—

4 For the most recent year for which the informa-
5 tion is available for those students who took the
6 assessments and are enrolled in the traditional
7 teacher preparation program or alternative
8 routes to State certification or licensure pro-
9 gram, and for those who have taken the assess-
10 ments and have completed the traditional teach-
11 er preparation program or alternative routes to
12 State certification or licensure program during
13 the 2-year period preceding such year, for each
14 of the assessments used for teacher certification
15 or licensure by the State in which the program
16 is located—

17 “(i) the percentage of students who
18 have completed 100 percent of the nonclin-
19 ical course work and taken the assessment
20 who pass such assessment;

21 “(ii) the percentage of all such stu-
22 dents who passed each such assessment;

23 “(iii) the percentage of students tak-
24 ing an assessment who enrolled in and

1 completed the teacher preparation pro-
2 gram;

3 “(iv) the average scaled score for all
4 students who took each such assessment;

5 “(v) a comparison of the program’s
6 pass rates with the average pass rates for
7 programs in the State; and

8 “(vi) a comparison of the program’s
9 average scaled scores with the average
10 scaled scores for programs in the State.

11 “(B) PROGRAM INFORMATION.—The cri-
12 teria for admission into the program, the num-
13 ber of students in the program (disaggregated
14 by race, ethnicity, and gender), the average
15 number of hours of supervised clinical experi-
16 ence required for those in the program, the
17 number of full-time equivalent faculty and stu-
18 dents in the supervised clinical experience, and
19 the total number of students who have been
20 certified or licensed as teachers, disaggregated
21 by subject and area of certification or licensure.

22 “(C) STATEMENT.—In States that require
23 approval or accreditation of teacher preparation
24 programs, a statement of whether the institu-

1 tion’s program is so approved or accredited,
2 and by whom.

3 “(D) DESIGNATION AS LOW-PER-
4 FORMING.—Whether the program has been des-
5 ignated as low-performing by the State under
6 section 208(a).

7 “(E) USE OF TECHNOLOGY.—A descrip-
8 tion of the activities that prepare teachers to ef-
9 fectively integrate technology into curricula and
10 instruction and effectively use technology to col-
11 lect, manage, and analyze data in order to im-
12 prove teaching, learning, and decision making
13 for the purpose of increasing student academic
14 achievement.

15 “(F) TEACHER TRAINING.—A description
16 of the activities that prepare general and special
17 education teachers to effectively teach students
18 with disabilities, including training related to
19 participation as a member of individualized edu-
20 cation program teams, as defined in section
21 614(d)(1)(B) of the Individuals with Disabil-
22 ities Education Act, and to effectively teach
23 students with limited English proficiency.

24 “(2) REPORT.—Each eligible partnership re-
25 ceiving a grant under section 202 shall report annu-

1 ally on the progress of the eligible partnership to-
2 ward meeting the purposes of this part and the ob-
3 jectives and measures described in section 204(a).

4 “(3) FINES.—The Secretary may impose a fine
5 not to exceed \$25,000 on an institution of higher
6 education for failure to provide the information de-
7 scribed in this subsection in a timely or accurate
8 manner.

9 “(4) SPECIAL RULE.—In the case of an institu-
10 tion of higher education that conducts a traditional
11 teacher preparation program or alternative routes to
12 State certification or licensure program and has
13 fewer than 10 scores reported on any single initial
14 teacher certification or licensure assessment during
15 an academic year, the institution shall collect and
16 publish information, as required under paragraph
17 (1)(A), with respect to an average pass rate and
18 scaled score on each State certification or licensure
19 assessment taken over a 3-year period.

20 “(b) STATE REPORT CARD ON THE QUALITY OF
21 TEACHER PREPARATION.—

22 “(1) IN GENERAL.—Each State that receives
23 funds under this Act shall provide to the Secretary,
24 annually, in a uniform and comprehensible manner
25 that conforms with the definitions and methods es-

1 tablished by the Secretary, a State report card on
2 the quality of teacher preparation in the State, both
3 for traditional teacher preparation programs and for
4 alternative routes to State certification or licensure
5 programs, which shall include not less than the fol-
6 lowing:

7 “(A) A description of the reliability and
8 validity of the teacher certification and licen-
9 sure assessments, and any other certification
10 and licensure requirements, used by the State.

11 “(B) The standards and criteria that pro-
12 spective teachers must meet to attain initial
13 teacher certification or licensure and to be cer-
14 tified or licensed to teach particular academic
15 subject areas or in particular grades within the
16 State.

17 “(C) A description of how the assessments
18 and requirements described in subparagraph
19 (A) are aligned with the State’s challenging
20 academic content standards required under sec-
21 tion 1111(b)(1) of the Elementary and Sec-
22 ondary Education Act of 1965 and State early
23 learning standards for early childhood education
24 programs.

1 “(D) For each of the assessments used by
2 the State for teacher certification or licensure—

3 “(i) for each institution of higher edu-
4 cation located in the State and each entity
5 located in the State that offers an alter-
6 native route for teacher certification or li-
7 censure, the percentage of students at such
8 institution or entity who have completed
9 100 percent of the nonclinical course work
10 and taken the assessment who pass such
11 assessment;

12 “(ii) the percentage of all such stu-
13 dents at all such institutions taking the as-
14 sessment who pass such assessment; and

15 “(iii) the percentage of students tak-
16 ing an assessment who enrolled in and
17 completed the teacher preparation pro-
18 gram.

19 “(E) A description of alternative routes to
20 teacher certification or licensure in the State
21 (including any such routes operated by entities
22 that are not institutions of higher education), if
23 any, including, for each of the assessments used
24 by the State for teacher certification or licen-
25 sure—

1 “(i) the percentage of individuals par-
2 ticipating in such routes, or who have com-
3 pleted such routes during the 2-year period
4 preceding the date of the determination,
5 who passed each such assessment; and

6 “(ii) the average scaled score of indi-
7 viduals participating in such routes, or who
8 have completed such routes during the pe-
9 riod preceding the date of the determina-
10 tion, who took each such assessment.

11 “(F) A description of the State’s criteria
12 for assessing the performance of teacher prepa-
13 ration programs within institutions of higher
14 education in the State. Such criteria shall in-
15 clude indicators of the academic content knowl-
16 edge and teaching skills of students enrolled in
17 such programs.

18 “(G) For each teacher preparation pro-
19 gram in the State, the criteria for admission
20 into the program, the number of students in the
21 program, disaggregated by race, ethnicity, and
22 gender (except that such disaggregation shall
23 not be required in a case in which the number
24 of students in a category is insufficient to yield
25 statistically reliable information or the results

1 would reveal personally identifiable information
2 about an individual student), the average num-
3 ber of hours of supervised clinical experience re-
4 quired for those in the program, and the num-
5 ber of full-time equivalent faculty, adjunct fac-
6 ulty, and students in supervised clinical experi-
7 ence.

8 “(H) For the State as a whole, and for
9 each teacher preparation program in the State,
10 the number of teachers prepared, in the aggre-
11 gate and reported separately by—

12 “(i) area of certification or licensure;

13 “(ii) academic major; and

14 “(iii) subject area for which the teach-
15 er has been prepared to teach.

16 “(I) Using the data generated under sub-
17 paragraphs (G) and (H), a description of the
18 extent to which teacher preparation programs
19 are helping to address shortages of highly quali-
20 fied teachers, by area of certification or licen-
21 sure, subject, and specialty, in the State’s pub-
22 lic schools.

23 “(J) A description of the activities that
24 prepare general and special education teachers
25 to effectively teach students with disabilities, in-

cluding training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

“(K) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

“(L) A description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

“(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

“(c) DATA QUALITY.—The Secretary shall prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

1 “(d) REPORT OF THE SECRETARY ON THE QUALITY
2 OF TEACHER PREPARATION.—

3 “(1) REPORT CARD.—The Secretary shall pro-
4 vide to Congress, and publish and make widely avail-
5 able, a report card on teacher qualifications and
6 preparation in the United States, including all the
7 information reported in subparagraphs (A) through
8 (L) of subsection (b)(1). Such report shall identify
9 States for which eligible partnerships received a
10 grant under this part. Such report shall be so pro-
11 vided, published, and made available annually.

12 “(2) REPORT TO CONGRESS.—The Secretary
13 shall prepare and submit a report to Congress that
14 contains the following:

15 “(A) A comparison of States’ efforts to im-
16 prove the quality of the current and future
17 teaching force.

18 “(B) A comparison of eligible partnerships’
19 efforts to improve the quality of the current
20 and future teaching force.

21 “(C) The national mean and median scaled
22 scores and pass rate on any standardized test
23 that is used in more than 1 State for teacher
24 certification or licensure.

1 “(3) SPECIAL RULE.—In the case of a teacher
2 preparation program with fewer than 10 scores re-
3 ported on any single initial teacher certification or li-
4 censure assessment during an academic year, the
5 Secretary shall collect and publish information, and
6 make publicly available, with respect to an average
7 pass rate and scaled score on each State certification
8 or licensure assessment taken over a 3-year period.

9 “(e) COORDINATION.—The Secretary, to the extent
10 practicable, shall coordinate the information collected and
11 published under this part among States for individuals
12 who took State teacher certification or licensure assess-
13 ments in a State other than the State in which the indi-
14 vidual received the individual’s most recent degree.

15 **“SEC. 206. TEACHER DEVELOPMENT.**

16 “(a) ANNUAL GOALS.—Each institution of higher
17 education that conducts a traditional teacher preparation
18 program (including programs that offer any ongoing pro-
19 fessional development programs) or alternative routes to
20 State certification or licensure program, and that enrolls
21 students receiving Federal assistance under this Act, shall
22 set annual quantifiable goals for—

23 “(1) increasing the number of prospective
24 teachers trained in teacher shortage areas des-
25 ignated by the State educational agency, including

1 mathematics, science, special education, and instruc-
2 tion of limited English proficient students; and

3 “(2) more closely linking the training provided
4 by the institution with the needs of schools and the
5 instructional decisions new teachers face in the
6 classroom.

7 “(b) ASSURANCE.—Each institution described in sub-
8 section (a) shall provide an assurance to the Secretary
9 that—

10 “(1) training provided to prospective teachers
11 responds to the identified needs of the local edu-
12 cational agencies or States where the institution’s
13 graduates are likely to teach, based on past hiring
14 and recruitment trends;

15 “(2) prospective special education teachers re-
16 ceive course work in core academic subjects and re-
17 ceive training in providing instruction in core aca-
18 demic subjects;

19 “(3) general education teachers receive training
20 in providing instruction to diverse populations, in-
21 cluding children with disabilities, limited English
22 proficient students, and children from low-income
23 families; and

1 “(4) prospective teachers receive training on
2 how to effectively teach in urban and rural schools,
3 as applicable.

4 “(c) PUBLIC REPORTING.—As part of the annual re-
5 port card required under section 205(a)(1), an institution
6 of higher education described in subsection (a) shall pub-
7 licly report whether the goals established under such sub-
8 section have been met.

9 **“SEC. 207. STATE FUNCTIONS.**

10 “(a) STATE ASSESSMENT.—In order to receive funds
11 under this Act, a State shall have in place a procedure
12 to conduct an assessment to identify and assist, through
13 the provision of technical assistance, low-performing pro-
14 grams of teacher preparation. Such State shall provide the
15 Secretary an annual list of such low-performing teacher
16 preparation programs that includes an identification of
17 those programs at risk of being placed on such list. Such
18 assessment shall be described in the report under section
19 205(b). Levels of performance shall be determined solely
20 by the State and may include criteria based on informa-
21 tion collected pursuant to this part including progress in
22 meeting the goals of—

23 “(1) increasing the percentage of highly quali-
24 fied teachers in the State, including increasing pro-
25 fessional development opportunities;

1 “(2) improving student achievement for all stu-
2 dents; and

3 “(3) raising the standards for entry into the
4 teaching profession.

5 “(b) TERMINATION OF ELIGIBILITY.—Any program
6 of teacher preparation from which the State has with-
7 drawn the State’s approval, or terminated the State’s fi-
8 nancial support, due to the low performance of the pro-
9 gram based upon the State assessment described in sub-
10 section (a)—

11 “(1) shall be ineligible for any funding for pro-
12 fessional development activities awarded by the De-
13 partment;

14 “(2) shall not be permitted to accept or enroll
15 any student that receives aid under title IV in the
16 institution’s teacher preparation program; and

17 “(3) shall provide transitional support, includ-
18 ing remedial services if necessary, for students en-
19 rolled at the institution at the time of termination
20 of financial support or withdrawal of approval.

21 “(c) NEGOTIATED RULEMAKING.—If the Secretary
22 develops any regulations implementing subsection (b)(2),
23 the Secretary shall submit such proposed regulations to
24 a negotiated rulemaking process, which shall include rep-

1 representatives of States, institutions of higher education,
2 and educational and student organizations.

3 “(d) APPLICATION OF THE REQUIREMENTS.—The
4 requirements of this section shall apply to both traditional
5 teacher preparation programs and alternative routes to
6 State certification and licensure programs.

7 **“SEC. 208. GENERAL PROVISIONS.**

8 “(a) METHODS.—In complying with sections 205 and
9 207, the Secretary shall ensure that States and institu-
10 tions of higher education use fair and equitable methods
11 in reporting and that the reporting methods do not allow
12 identification of individuals.

13 “(b) SPECIAL RULE.—For each State that does not
14 use content assessments as a means of ensuring that all
15 teachers teaching in core academic subjects within the
16 State are highly qualified, as required under section 1119
17 of the Elementary and Secondary Education Act of 1965
18 and in accordance with the State plan submitted or revised
19 under section 1111 of such Act, or that each person em-
20 ployed as a special education teacher in the State who
21 teaches elementary school, middle school, or secondary
22 school is highly qualified by the deadline, as required
23 under section 612(a)(14)(C) of the Individuals with Dis-
24 abilities Education Act—

1 “(1) the Secretary shall, to the extent prac-
2 ticable, collect data comparable to the data required
3 under this part from States, local educational agen-
4 cies, institutions of higher education, or other enti-
5 ties that administer such assessments to teachers or
6 prospective teachers; and

7 “(2) notwithstanding any other provision of this
8 part, the Secretary shall use such data to carry out
9 requirements of this part related to assessments,
10 pass rates, and scaled scores.

11 “(c) RELEASE OF INFORMATION TO TEACHER PREP-
12 ARATION PROGRAMS.—

13 “(1) IN GENERAL.—For the purpose of improv-
14 ing teacher preparation programs, a State edu-
15 cational agency that receives funds under this Act,
16 or that participates as a member of a partnership,
17 consortium, or other entity that receives such funds,
18 shall provide to a teacher preparation program, upon
19 the request of the teacher preparation program, any
20 and all pertinent education-related information
21 that—

22 “(A) may enable the teacher preparation
23 program to evaluate the effectiveness of the
24 program’s graduates or the program itself; and

1 “(B) is possessed, controlled, or accessible
2 by the State educational agency.

3 “(2) CONTENT OF INFORMATION.—The infor-
4 mation described in paragraph (1)—

5 “(A) shall include an identification of spe-
6 cific individuals who graduated from the teach-
7 er preparation program to enable the teacher
8 preparation program to evaluate the informa-
9 tion provided to the program from the State
10 educational agency with the program’s own
11 data about the specific courses taken by, and
12 field experiences of, the individual graduates;
13 and

14 “(B) may include—

15 “(i) kindergarten through grade 12
16 academic achievement and demographic
17 data, without revealing personally identifi-
18 able information about an individual stu-
19 dent, for students who have been taught by
20 graduates of the teacher preparation pro-
21 gram; and

22 “(ii) teacher effectiveness evaluations
23 for teachers who graduated from the teach-
24 er preparation program.

25 “(d) LIMITATIONS.—

1 “(1) FEDERAL CONTROL PROHIBITED.—Noth-
2 ing in this part shall be construed to permit, allow,
3 encourage, or authorize any Federal control over any
4 aspect of any private, religious, or home school
5 (whether or not a home school is treated as a private
6 school or home school under State law). This section
7 shall not be construed to prohibit private, religious,
8 or home schools from participation in programs or
9 services under this part.

10 “(2) NO CHANGE IN STATE CONTROL ENCOUR-
11 AGED OR REQUIRED.—Nothing in this part shall be
12 construed to encourage or require any change in a
13 State’s treatment of any private, religious, or home
14 school (whether or not a home school is treated as
15 a private school or home school under State law).

16 “(3) NATIONAL SYSTEM OF TEACHER CERTIFI-
17 CATION PROHIBITED.—Nothing in this part shall be
18 construed to permit, allow, encourage, or authorize
19 the Secretary to establish or support any national
20 system of teacher certification.

21 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

22 “‘There are authorized to be appropriated to carry out
23 this part \$300,000,000 for fiscal year 2009 and such sums
24 as may be necessary for each of the 2 succeeding fiscal
25 years.

1 **“PART B—PREPARING TEACHERS FOR DIGITAL**
2 **AGE LEARNERS**

3 **“SEC. 221. PROGRAM AUTHORIZED.**

4 “(a) PROGRAM AUTHORITY.—The Secretary is au-
5 thorized to award grants to, or enter into contracts or co-
6 operative agreements with, eligible consortia to pay the
7 Federal share of the costs of projects to—

8 “(1) graduate teacher candidates who are pre-
9 pared to use modern information, communication,
10 and learning tools to—

11 “(A) improve student learning, assessment,
12 and learning management; and

13 “(B) help students develop learning skills
14 to succeed in higher education and to enter the
15 workforce;

16 “(2) strengthen and develop partnerships
17 among the stakeholders in teacher preparation to
18 transform teacher education and ensure technology
19 rich learning environments throughout a teacher
20 candidate’s pre-service education, including clinical
21 experiences; and

22 “(3) assess the effectiveness of departments,
23 schools, and colleges of education at institutions of
24 higher education in preparing teacher candidates for
25 successful implementation of technology-rich teach-
26 ing-learning environments, including environments

1 consistent with the principles of universal design for
2 learning, that enable kindergarten through grade 12
3 students to develop learning skills to succeed in
4 higher education and to enter the workforce.

5 “(b) AMOUNT AND DURATION.—A grant, contract, or
6 cooperative agreement under this part—

7 “(1) shall be for not more than \$2,000,000;

8 “(2) shall be for a 3-year period; and

9 “(3) may be renewed for one additional year.

10 “(c) NON-FEDERAL SHARE REQUIREMENT.—The
11 Federal share of the cost of any project funded under this
12 part shall not exceed 75 percent. The non-Federal share
13 of the cost of such project may be provided in cash or
14 in kind, fairly evaluated, including services.

15 “(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In
16 this part, the term ‘eligible consortium’ means a consor-
17 tium of members that includes the following:

18 “(1) At least one institution of higher education
19 that awards baccalaureate or masters degrees and
20 prepares teachers for initial entry into teaching.

21 “(2) At least one State educational agency or
22 local educational agency.

23 “(3) A department, school, or college of edu-
24 cation at an institution of higher education.

1 “(4) A department, school, or college of arts
2 and sciences at an institution of higher education.

3 “(5) At least one entity with the capacity to
4 contribute to the technology-related reform of teach-
5 er preparation programs, which may be a profes-
6 sional association, foundation, museum, library, for-
7 profit business, public or private nonprofit organiza-
8 tion, community-based organization, or other entity.

9 **“SEC. 222. USES OF FUNDS.**

10 “(a) IN GENERAL.—An eligible consortium that re-
11 ceives a grant or enters into a contract or cooperative
12 agreement under this part shall use funds made available
13 under this part to carry out a project that—

14 “(1) develops long-term partnerships among
15 members of the consortium that are focused on ef-
16 fective teaching with modern digital tools and con-
17 tent that substantially connect pre-service prepara-
18 tion of teacher candidates with high-needs schools;
19 or

20 “(2) transforms the way departments, schools,
21 and colleges of education teach classroom technology
22 integration, including the principles of universal de-
23 sign, to teacher candidates.

1 “(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—

2 In carrying out a project under subsection (a)(1), an eligi-
3 ble consortium shall—

4 “(1) provide teacher candidates, early in their
5 preparation, with field experiences in educational
6 settings with technology;

7 “(2) build the skills of teacher candidates to
8 support technology-rich instruction, assessment and
9 learning management in content areas, technology
10 literacy, an understanding of the principles of uni-
11 versal design, and the development of other skills for
12 entering the workforce;

13 “(3) provide professional development in the
14 use of technology for teachers, administrators, and
15 content specialists who participate in field place-
16 ment;

17 “(4) provide professional development of tech-
18 nology pedagogical skills for faculty of departments,
19 schools, and colleges of education and arts and
20 sciences;

21 “(5) implement strategies for the mentoring of
22 teacher candidates with respect to technology imple-
23 mentation by members of the consortium;

1 “(6) evaluate teacher candidates during the
2 first years of teaching to fully assess outcomes of
3 the project;

4 “(7) build collaborative learning communities
5 for technology integration within the consortium to
6 sustain meaningful applications of technology in the
7 classroom during teacher preparation and early ca-
8 reer practice; and

9 “(8) evaluate the effectiveness of the project.

10 “(c) USES OF FUNDS FOR TRANSFORMATION
11 GRANTS.—In carrying out a project under subsection
12 (a)(2), an eligible consortium shall—

13 “(1) redesign curriculum to require collabora-
14 tion between the department, school, or college of
15 education faculty and the department, school, or col-
16 lege of arts and sciences faculty who teach content
17 or methods courses for training teacher candidates;

18 “(2) collaborate between the department,
19 school, or college of education faculty and the de-
20 partment, school, or college of arts and science fac-
21 ulty and academic content specialists at the local
22 educational agency to educate pre-service teachers
23 who can integrate technology and pedagogical skills
24 in content areas;

1 “(3) collaborate between the department,
2 school, or college of education faculty and the de-
3 partment, school, or college of arts and sciences fac-
4 ulty who teach courses to pre-service teachers to—

5 “(A) develop and implement a plan for
6 pre-service teachers and continuing educators
7 that demonstrates effective instructional strate-
8 gies and application of such strategies in the
9 use of digital tools to transform the teaching
10 and learning process; and

11 “(B) better reach underrepresented pre-
12 service teacher populations with programs that
13 connect such pre-service teacher populations
14 with applications of technology;

15 “(4) collaborate among faculty and students to
16 create and disseminate case studies of technology
17 applications in classroom settings with a goal of im-
18 proving student achievement in high-need schools;

19 “(5) provide additional technology resources for
20 pre-service teachers to plan and implement tech-
21 nology applications in classroom settings that pro-
22 vide evidence of student learning; and

23 “(6) bring together expertise from departments,
24 schools, or colleges of education, arts and science
25 faculty, and academic content specialists at the local

1 educational agency to share and disseminate tech-
2 nology applications in the classroom through teacher
3 preparation and into early career practice.

4 **“SEC. 223. APPLICATION REQUIREMENTS.**

5 “To be eligible to receive a grant or enter into a con-
6 tract or cooperative agreement under this part, an eligible
7 consortium shall submit an application to the Secretary
8 at such time, in such manner, and containing such infor-
9 mation as the Secretary may require. Such application
10 shall include the following:

11 “(1) A description of the project to be carried
12 out with the grant, including how the project will—

13 “(A) develop a long-term partnership fo-
14 cused on effective teaching with modern digital
15 tools and content that substantially connects
16 pre-service preparation of teacher candidates
17 with high-need schools; or

18 “(B) transform the way departments,
19 schools, and colleges of education teach class-
20 room technology integration, including the prin-
21 ciples of universal design, to teacher candidates.

22 “(2) A demonstration of—

23 “(A) the commitment, including the finan-
24 cial commitment, of each of the members of the
25 consortium for the proposed project; and

1 “(B) the support of the leadership of each
2 organization that is a member of the consor-
3 tium for the proposed project.

4 “(3) A description of how each member of the
5 consortium will participate in the project.

6 “(4) A description of how the State or local
7 educational agency will incorporate the project into
8 the agency’s technology plan, if such a plan already
9 exists.

10 “(5) A description of how the project will be
11 continued after Federal funds are no longer avail-
12 able under this part for the project.

13 “(6) A description of how the project—

14 “(A) will incorporate State teacher tech-
15 nology standards; and

16 “(B) will incorporate State student tech-
17 nology standards.

18 “(7) A plan for the evaluation of the project,
19 which shall include benchmarks to monitor progress
20 toward specific project objectives.

21 **“SEC. 224. EVALUATION.**

22 “Not less than 10 percent of the funds awarded to
23 an eligible consortium to carry out a project under this
24 part shall be used to evaluate the effectiveness of such
25 project.

1 **“SEC. 225. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated
3 \$100,000,000 to carry out this part for fiscal year 2009
4 and such sums as may be necessary for each of the 2 suc-
5 ceeding fiscal years.

6 **“PART C—ENHANCING TEACHER EDUCATION**

7 **“SEC. 240. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out
9 this part such sums as may be necessary for fiscal year
10 2009 and each of the 4 succeeding fiscal years.

11 **“Subpart 1—Recruiting Teachers With Math, Science,**
12 **or Language Majors**

13 **“SEC. 241. PROGRAM AUTHORIZED.**

14 “(a) GRANTS AUTHORIZED.—From the amounts ap-
15 propriated under section 240, the Secretary shall make
16 competitive grants to institutions of higher education to
17 improve the availability, recruitment, and retention of
18 teachers from among students majoring in mathematics,
19 science, foreign languages, special education, or teaching
20 the English language to students who are limited English
21 proficient, or to a combination of students majoring in
22 such subjects. In making such grants, the Secretary shall
23 give priority to institutions of higher education with pro-
24 grams that—

25 “(1) focus on preparing and retaining teachers
26 in subjects in which there is a shortage of highly

1 qualified teachers and that prepare students to teach
2 in high-need schools; and

3 “(2) include plans to seek matching funds from
4 other governmental and non-governmental sources.

5 “(b) APPLICATION.—Any institution of higher edu-
6 cation desiring to receive a grant under this subpart shall
7 submit to the Secretary an application at such time, in
8 such form, and containing such information and assur-
9 ances as the Secretary may require, including—

10 “(1) the number of students who graduated
11 from the institution in the preceding year with the
12 qualifications necessary to be teachers with expertise
13 in mathematics, science, a foreign language, special
14 education, or teaching limited English proficient in-
15 dividuals; and

16 “(2) a goal and timeline for increasing the
17 number of such teachers who graduate from the in-
18 stitution.

19 “(c) USE OF FUNDS.—Grant funds made available
20 under this subpart—

21 “(1) shall be used to create and provide new re-
22 cruitment incentives to encourage students who are
23 planning to pursue other careers to pursue careers
24 in teaching, with an emphasis on recruiting students
25 who are majoring in high-need subjects such as

1 mathematics, science, foreign languages, and special
2 education, and areas relevant to teaching the
3 English language to students who are limited
4 English proficient;

5 “(2) may be used to upgrade curriculum to pro-
6 vide all students studying to become teachers with
7 high-quality instructional strategies for teaching
8 reading and teaching the English language to stu-
9 dents who are limited English proficient, and for
10 adopting, modifying, and differentiating instruction
11 to teach students with disabilities;

12 “(3) may be used to integrate department,
13 school, or college of education faculty with other arts
14 and science faculty in mathematics, science, foreign
15 languages, special education, and teaching the
16 English language to students who are limited
17 English proficient through steps such as—

18 “(A) dual appointments for faculty be-
19 tween departments, schools, or colleges of edu-
20 cation and departments, schools, or colleges of
21 arts and science; and

22 “(B) integrating course work with clinical
23 experience;

24 “(4) may be used to develop strategic plans be-
25 tween departments, schools, or colleges of education

1 and local school districts to better prepare teachers
2 for high-need schools, including the creation of pro-
3 fessional development partnerships for training new
4 teachers in state-of-the-art teaching practices;

5 “(5) may be used to develop or enhance pro-
6 grams aimed at retaining teachers in high-need sub-
7 jects such as mathematics, science, foreign lan-
8 guages, special education, and teaching the English
9 language to students who are limited English pro-
10 ficient, and may include providing scholarship assist-
11 ance to current teachers to upgrade their skills;

12 “(6) may be used to develop and apply virtual
13 classroom simulation and related technologies to en-
14 hance recruitment, preparation, and retention for
15 high-need schools in the areas of mathematics,
16 science, foreign languages, special education, or
17 teaching the English language to students who are
18 limited English proficient; and

19 “(7) may be used to develop innovative teacher
20 preparation programs that emphasize the essential
21 components of reading instruction and other strate-
22 gies based on scientifically valid research and that
23 address early intervention strategies for students
24 with reading difficulty or language processing dif-
25 ferences.

**“Subpart 2—Community Colleges as Partners in
Teacher Education Grants**

“SEC. 251. GRANTS TO COMMUNITY COLLEGES.

“(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to assist such entities with—

“(1) establishing or enhancing teacher education programs at community colleges that—

“(A) include content and pedagogical training; and

“(B) are aligned with 4-year college and university teacher education programs to ensure a seamless transition for students from community colleges to 4-year institutions;

“(2) establishing or enhancing post baccalaureate certification programs offered at community colleges;

“(3) developing and delivering a rigorous program of study for students interested in a career in teaching; and

“(4) developing and delivering professional development for teachers to ensure their continued education and professional growth.

“(b) AUTHORIZED USES OF FUNDS.—Grant funds provided under this subpart shall be used to carry out the

1 activities described in subsection (a), and may be used
2 to—

3 “(1) develop curriculum for teacher education
4 programs and post baccalaureate certification pro-
5 grams at community colleges;

6 “(2) establish or enhance clinical experiences
7 for students in such teacher education programs and
8 post baccalaureate certification programs;

9 “(3) establish or enhance professional develop-
10 ment programs at community colleges that are avail-
11 able for teachers;

12 “(4) develop new associate degree programs fo-
13 cused on teacher preparation;

14 “(5) increase the alignment between community
15 college teacher education programs and 4-year col-
16 lege and university teacher education programs, in-
17 cluding articulation agreements, common course
18 numbering, and joint admission programs;

19 “(6) recruit teacher candidates with the goal of
20 diversifying the teacher workforce;

21 “(7) prepare teachers for high-demand subject
22 areas including science, mathematics, technology,
23 special education, critical foreign languages, or the
24 education of limited English proficient individuals;

1 “(8) prepare teachers to teach in high-need
2 schools;

3 “(9) increase coordination between teacher edu-
4 cation programs and departments, schools, or col-
5 leges of arts and sciences;

6 “(10) encourage teacher education and post
7 baccalaureate programs at times and in formats de-
8 signed to make these programs more accessible to
9 certain student populations, including mid-career
10 professionals transitioning to teaching;

11 “(11) carry out other activities that aim to en-
12 sure that well-qualified individuals enter into the
13 teaching profession;

14 “(12) develop associate’s degree programs with
15 an emphasis on the essential components of reading
16 instruction to train educators such as pre-service
17 teachers, paraprofessionals, speech-language pathol-
18 ogy assistants, and tutors to teach students with
19 reading difficulties and students who learn to read
20 differently than their peers; and

21 “(13) develop licensure programs for early
22 childhood educators that emphasize the essential
23 components of reading instruction and other strate-
24 gies based on scientifically valid research, and that
25 address strategies for early screening and early

1 intervention for students with reading difficulty and
2 who learn to read differently than their peers.

3 “(c) ELIGIBLE ENTITY.—For purposes of this sub-
4 part, the term ‘eligible entity’ means an individual commu-
5 nity college (or district of community colleges), a consortia
6 of community colleges, or a statewide community college
7 system that, for the purposes of carrying out activities
8 under this subpart, has entered into a partnership with—

9 “(1) a four-year institution of higher education
10 with a teacher education program, or a consortia of
11 such institutions; and

12 “(2) at least one of the following:

13 “(A) The State agency that oversees teach-
14 er preparation or higher education in the State.

15 “(B) One or more local educational agen-
16 cies.

17 “(C) The State educational agency.

18 “(D) A professional organization rep-
19 resenting teachers.

20 “(d) APPLICATION.—Each eligible entity desiring a
21 grant under this subpart shall submit an application to
22 the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may require.
24 Such application shall include—

1 “(1) an overview of the goals the eligible entity
2 and its partners plan to pursue upon receipt of a
3 grant under this subpart;

4 “(2) an identification of the institutions, agen-
5 cies, or organizations that have entered into a part-
6 nership with the eligible entity to meet the require-
7 ments of subsection (c);

8 “(3) a description of how the eligible entity and
9 its partners will work to ensure a seamless transition
10 for students from community college to 4-year insti-
11 tutions;

12 “(4) an assurance by the eligible entity that
13 students will be provided with intensive support
14 services, which may include mentoring, academic
15 and career support, and support for students who
16 are transitioning, or have transitioned, from the
17 community college to the 4-year institution; and

18 “(5) a description of the rigorous 2-year pro-
19 gram of study to be provided by the eligible entity,
20 and a description of how such program establishes
21 a foundation for students to enter into a qualified
22 teacher preparation program at a 4-year institution.

23 “(e) PRIORITY.—In awarding grants under this sub-
24 part, the Secretary shall give priority to applications the
25 goals of which are to—

1 “(1) increase the diversification of the teacher
2 workforce by enrolling and retaining students from
3 minority racial and ethnic backgrounds and others
4 underrepresented in the local education workforce;

5 “(2) prepare teachers for high-demand subject
6 areas including science, mathematics, technology,
7 special education, critical foreign languages, or the
8 education of limited English proficient individuals;
9 or

10 “(3) prepare teachers to enter into high-need
11 schools.

12 **“SEC. 252. DEFINITIONS.**

13 “In this subpart:

14 “(1) COMMUNITY COLLEGE.—The term ‘com-
15 munity college’ means a publicly funded institution
16 of higher education (as defined in section 101) at
17 which the highest degree awarded is predominantly
18 the associates degree.

19 “(2) FOUR-YEAR INSTITUTION.—The term ‘4-
20 year institution’ means an institution of higher edu-
21 cation (as defined in section 101(a)) that provides a
22 4-year program of instruction for which the institu-
23 tion awards a bachelor’s degree.

24 “(3) QUALIFIED TEACHER PREPARATION PRO-
25 GRAM.—The term ‘qualified teacher preparation pro-

1 gram’ means an undergraduate program for stu-
2 dents at an institution of higher education that—

3 “(A) encourages collaboration between fac-
4 ulty in education and faculty in the relevant
5 subject areas including, sciences mathematics,
6 and foreign languages to pursue content coordi-
7 nation for courses taken frequently by students
8 preparing to be teachers;

9 “(B) offers support services, including
10 mentoring, exposure to and field experience in
11 the classroom prior to graduation, or other
12 practices, for students while they are in the
13 program, and after graduation while working as
14 teachers; and

15 “(C) focuses on increasing the number of
16 teachers for high-demand subject areas.

17 **“Subpart 3—Honorable Augustus F. Hawkins Centers**
18 **of Excellence**

19 **“SEC. 261. DEFINITIONS.**

20 “In this subpart:

21 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
22 ble institution’ means—

23 “(A) an institution of higher education
24 that has a teacher preparation program that is

1 a qualified teacher preparation program under
2 section 252, and that is—

3 “(i) a part B institution (as defined in
4 section 322);

5 “(ii) a Hispanic-serving institution (as
6 defined in section 502);

7 “(iii) a Tribal College or University
8 (as defined in section 316);

9 “(iv) an Alaska Native-serving institu-
10 tion (as defined in section 317(b));

11 “(v) a Native Hawaiian-serving insti-
12 tution (as defined in section 317(b));

13 “(vi) a Predominantly Black Institu-
14 tion (as defined in section 318(b));

15 “(vii) an Asian American and Pacific
16 Islander-serving institution (as defined in
17 section 319(b)); or

18 “(viii) a Native American-serving non-
19 tribal institution (as defined in section
20 320(b));

21 “(B) a consortium of institutions described
22 in subparagraph (A); or

23 “(C) an institution described in subpara-
24 graph (A), or a consortium described in sub-
25 paragraph (B), in partnership with any other

1 institution of higher education, but only if the
2 center of excellence established under section
3 262 is located at an institution described in
4 subparagraph (A).

5 “(2) SCIENTIFICALLY BASED READING RE-
6 SEARCH.—The term ‘scientifically based reading re-
7 search’ has the meaning given such term in section
8 1208 of the Elementary and Secondary Education
9 Act of 1965 (20 U.S.C. 6368).

10 **“SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCEL-**
11 **LENCE.**

12 “(a) PROGRAM AUTHORIZED.—From the amounts
13 appropriated to carry out this part, the Secretary is au-
14 thorized to award competitive grants to eligible institu-
15 tions to establish centers of excellence.

16 “(b) USE OF FUNDS.—Grants provided by the Sec-
17 retary under this subpart shall be used to ensure that cur-
18 rent and future teachers are highly qualified, by carrying
19 out one or more of the following activities:

20 “(1) Implementing reforms within teacher prep-
21 aration programs to ensure that such programs are
22 preparing teachers who are highly qualified, are able
23 to understand scientifically valid research, and are
24 able to use advanced technology effectively in the

1 classroom, including use for instructional techniques
2 to improve student academic achievement, by—

3 “(A) retraining or recruiting faculty; and

4 “(B) designing (or redesigning) teacher
5 preparation programs that—

6 “(i) prepare teachers to serve in low-
7 performing schools and close student
8 achievement gaps, and are based on rig-
9 orous academic content, scientifically valid
10 research (including scientifically based
11 reading research), and challenging State
12 student academic content standards; and

13 “(ii) promote strong teaching skills,
14 as defined in section 200(b).

15 “(2) Providing sustained and high-quality pre-
16 service clinical experience, including the mentoring
17 of prospective teachers by exemplary teachers, sub-
18 stantially increasing interaction between faculty at
19 institutions of higher education and new and experi-
20 enced teachers, principals, and other administrators
21 at elementary schools or secondary schools, and pro-
22 viding support, including preparation time, for such
23 interaction.

24 “(3) Developing and implementing initiatives to
25 promote retention of highly qualified teachers and

1 principals, including minority teachers and prin-
2 cipals, including programs that provide—

3 “(A) teacher or principal mentoring from
4 exemplary teachers or principals; or

5 “(B) induction and support for teachers
6 and principals during their first 3 years of em-
7 ployment as teachers or principals, respectively.

8 “(4) Awarding scholarships based on financial
9 need to help students pay the costs of tuition, room,
10 board, and other expenses of completing a teacher
11 preparation program.

12 “(5) Disseminating information on effective
13 practices for teacher preparation and successful
14 teacher certification and licensure assessment prepa-
15 ration strategies.

16 “(6) Activities authorized under section 202.

17 “(c) APPLICATION.—Any eligible institution desiring
18 a grant under this subpart shall submit an application to
19 the Secretary at such a time, in such a manner, and ac-
20 companied by such information as the Secretary may re-
21 quire.

22 “(d) MINIMUM GRANT AMOUNT.—The minimum
23 amount of each grant under this subpart shall be
24 \$500,000.

1 “(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
2 An eligible institution that receives a grant under this sub-
3 part may not use more than 2 percent of the grant funds
4 for purposes of administering the grant.

5 “(f) REGULATIONS.—The Secretary shall prescribe
6 such regulations as may be necessary to carry out this
7 subpart.

8 **“Subpart 4—Teach for America**

9 **“SEC. 271. TEACH FOR AMERICA.**

10 “(a) DEFINITIONS.—

11 “(1) GRANTEE.—The term ‘grantee’ means
12 Teach For America, Inc.

13 “(2) HIGH NEED.—Notwithstanding section
14 200(b), the term ‘high need’, when used with respect
15 to a local educational agency, means a local edu-
16 cational agency experiencing a shortage of highly
17 qualified teachers.

18 “(b) GRANTS AUTHORIZED.—The Secretary is au-
19 thorized to award a grant to Teach For America, Inc.,
20 the national teacher corps of outstanding recent college
21 graduates who commit to teach for 2 years in underserved
22 communities in the United States, to implement and ex-
23 pand its program of recruiting, selecting, training, and
24 supporting new teachers.

1 “(c) REQUIREMENTS.—In carrying out the grant pro-
2 gram under subsection (b), the Secretary shall enter into
3 an agreement with the grantee under which the grantee
4 agrees to use the grant funds provided under this subpart
5 to—

6 “(1) provide highly qualified teachers to high
7 need local educational agencies in urban and rural
8 communities;

9 “(2) pay the costs of recruiting, selecting, train-
10 ing, and supporting new teachers; and

11 “(3) serve a substantial number and percentage
12 of underserved students.

13 “(d) AUTHORIZED ACTIVITIES.—

14 “(1) IN GENERAL.—Grant funds provided
15 under this subpart shall be used by the grantee to
16 carry out each of the following activities:

17 “(A) Recruiting and selecting teachers
18 through a highly selective national process.

19 “(B) Providing pre-service training to such
20 teachers through a rigorous summer institute
21 that includes hands-on teaching experience and
22 significant exposure to education course work
23 and theory.

24 “(C) Placing such teachers in schools and
25 positions designated by high need local edu-

1 educational agencies as high need placements serv-
2 ing underserved students.

3 “(D) Providing ongoing professional devel-
4 opment activities for such teachers’ first 2 years
5 in the classroom, including regular classroom
6 observations and feedback, and ongoing train-
7 ing and support.

8 “(2) LIMITATION.—The grantee shall use all
9 grant funds received under this subpart to support
10 activities related directly to the recruitment, selec-
11 tion, training, and support of teachers as described
12 in paragraph (1).

13 “(e) REPORTS AND EVALUATIONS.—

14 “(1) ANNUAL REPORT.—The grantee shall pro-
15 vide to the Secretary an annual report that in-
16 cludes—

17 “(A) data on the number and quality of
18 the teachers provided to local educational agen-
19 cies through a grant under this subpart;

20 “(B) an externally conducted analysis of
21 the satisfaction of local educational agencies
22 and principals with the teachers so provided;
23 and

24 “(C) comprehensive data on the back-
25 ground of the teachers chosen, the training

1 such teachers received, the placement sites of
2 such teachers, the professional development of
3 such teachers, and the retention of such teach-
4 ers.

5 “(2) STUDY.—

6 “(A) IN GENERAL.—From funds appro-
7 priated under section 240, the Secretary shall
8 provide for a study that examines the achieve-
9 ment levels of the students taught by the teach-
10 ers assisted under this subpart.

11 “(B) STUDENT LEARNING GAINS COM-
12 PARED.—The study shall compare, within the
13 same schools, the student learning gains made
14 by students taught by teachers who are assisted
15 under this subpart with the student learning
16 gains made by students taught by teachers who
17 are not assisted under this subpart.

18 “(3) REQUIREMENTS.—The Secretary shall
19 provide for such a study not less than once every 3
20 years, and each such study shall include multiple
21 placement sites and multiple schools within place-
22 ment sites.

23 “(4) PEER REVIEW STANDARDS.—Each such
24 study shall meet the peer review standards of the
25 education research community. Further, the peer re-

1 view standards shall ensure that reviewers have ex-
 2 pertise in assessment systems, accountability, and
 3 instruction.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
 5 sums authorized to be appropriated by section 240, the
 6 amount authorized to be appropriated to carry out this
 7 section shall not exceed—

8 “(1) \$20,000,000 for fiscal year 2009;

9 “(2) \$25,000,000 for fiscal year 2010; and

10 “(3) such sums as may be necessary for each
 11 of the 3 succeeding fiscal years.

12 **“Subpart 5—Early Childhood Education Professional**
 13 **Development and Career Task Force**

14 **“SEC. 281. PURPOSE.**

15 “It is the purpose of this subpart—

16 “(1) to improve the quality of the early child-
 17 hood education workforce by creating a statewide
 18 early childhood education professional development
 19 and career task force for early childhood education
 20 program staff, directors, and administrators; and

21 “(2) to create—

22 “(A) a coherent system of core com-
 23 petencies, pathways to qualifications, creden-
 24 tials, degrees, quality assurances, access, and
 25 outreach, for early childhood education program

1 staff, directors, and administrators, that is
2 linked to compensation commensurate with ex-
3 perience and qualifications;

4 “(B) articulation agreements that enable
5 early childhood education professionals to tran-
6 sition easily among degrees; and

7 “(C) compensation initiatives for individ-
8 uals working in an early childhood education
9 program that reflect the individuals’ credentials,
10 degrees, and experience.

11 **“SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION**
12 **PROGRAM.**

13 “In this subpart, the term ‘early childhood education
14 program’ means—

15 “(1) a family child care program, center-based
16 child care program, State prekindergarten program,
17 or school-based program, that—

18 “(A) provides early childhood development
19 and education;

20 “(B) is licensed or regulated by the State;
21 and

22 “(C) serves children from birth to school
23 entry;

24 “(2) a Head Start Program carried out under
25 the Head Start Act;

1 “(3) an Early Head Start Program carried out
2 under section 645A of the Head Start Act; or

3 “(4) a program authorized under section 619 or
4 part C of the Individuals with Disabilities Education
5 Act.

6 **“SEC. 283. GRANTS AUTHORIZED.**

7 “(a) IN GENERAL.—The Secretary is authorized to
8 award grants to States in accordance with the provisions
9 of this subpart to enable such States—

10 “(1) to establish a State Task Force described
11 in section 284; and

12 “(2) to support activities of the State Task
13 Force described in section 285.

14 “(b) COMPETITIVE BASIS.—Grants under this sub-
15 part shall be awarded on a competitive basis.

16 “(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In
17 awarding grants under this subpart, the Secretary shall
18 take into consideration providing an equitable geographic
19 distribution of such grants.

20 “(d) DURATION.—Grants under this subpart shall be
21 awarded for a period of 3 years.

22 **“SEC. 284. STATE TASK FORCE ESTABLISHMENT.**

23 “(a) STATE TASK FORCE ESTABLISHED.—The Gov-
24 ernor of a State receiving a grant under this subpart shall
25 establish, or designate an existing entity to serve as, the

1 State Early Childhood Education Professional Develop-
2 ment and Career Task Force (hereafter in this subpart
3 referred to as the ‘State Task Force’).

4 “(b) MEMBERSHIP.—The State Task Force shall in-
5 clude a representative of a State educational agency, an
6 institution of higher education (including an associate or
7 a baccalaureate degree granting institution of higher edu-
8 cation), an early childhood education program, a nonprofit
9 early childhood organization, a statewide early childhood
10 workforce scholarship or supplemental initiative, the State
11 Head Start collaboration director, and any other entity or
12 individual the Governor determines appropriate.

13 **“SEC. 285. STATE TASK FORCE ACTIVITIES.**

14 “(a) ACTIVITIES.—The State Task Force shall—

15 “(1) coordinate and communicate regularly with
16 existing State Advisory Councils on Early Care and
17 Education or a similar State entity charged with
18 creating a comprehensive system of early care and
19 education in the State (hereafter in this subpart re-
20 ferred to as ‘State Advisory Councils’) for the pur-
21 poses of—

22 “(A) integrating recommendations for
23 early childhood professional development and
24 career activities into the plans of the State Ad-
25 visory Council; and

1 “(B) assisting in the implementation of
2 professional development and career activities
3 that are consistent with the plans described in
4 subparagraph (A);

5 “(2) conduct a review of opportunities for and
6 barriers to high quality professional development,
7 training, and higher education degree programs in
8 early childhood development and learning, including
9 a periodic statewide survey concerning the demo-
10 graphics of individuals working in early childhood
11 education programs in the State, which survey shall
12 include information disaggregated by—

13 “(A) race, gender, and ethnicity;

14 “(B) compensation levels;

15 “(C) type of early childhood education pro-
16 gram setting;

17 “(D) specialized knowledge of child devel-
18 opment;

19 “(E) years of experience in an early child-
20 hood education program;

21 “(F) attainment of—

22 “(i) academic credit for course work;

23 “(ii) an academic degree;

24 “(iii) a credential;

25 “(iv) licensure; or

1 “(v) certification in early childhood
2 education; and

3 “(G) specialized knowledge in the edu-
4 cation of children with limited English pro-
5 ficiency; and

6 “(3) develop a plan for a comprehensive state-
7 wide professional development and career system for
8 individuals working in early childhood education pro-
9 grams or for early childhood education providers,
10 which plan shall include—

11 “(A) methods of providing outreach to
12 early childhood education program staff, direc-
13 tors, and administrators to enable such individ-
14 uals and providers to be aware of opportunities
15 and resources under the statewide plan, which
16 may include outreach to underrepresented pop-
17 ulations in the profession;

18 “(B) developing a unified data collection
19 and dissemination system for early childhood
20 education training, professional development,
21 and higher education programs;

22 “(C) increasing the participation of early
23 childhood educators in high quality training and
24 professional development by assisting in paying
25 the costs of enrollment in and completion of

1 such training and professional development
2 courses;

3 “(D) increasing the participation of early
4 childhood educators in postsecondary education
5 programs leading to degrees in early childhood
6 education by providing assistance to pay the
7 costs of enrollment in and completion of such
8 postsecondary education programs, which as-
9 sistance—

10 “(i) shall only be provided to an indi-
11 vidual who—

12 “(I) enters into an agreement
13 under which the individual agrees to
14 work, for a reasonable number of
15 years after receiving such a degree, in
16 an early childhood education program
17 that is located in a low-income area;
18 and

19 “(II) has a family income equal
20 to or less than the annually adjusted
21 national median family income as de-
22 termined by the Bureau of the Cen-
23 sus; and

24 “(ii) shall be provided in an amount
25 that does not exceed \$17,500;

1 “(E) supporting professional development
2 activities and a career lattice for a variety of
3 early childhood professional roles with varying
4 professional qualifications and responsibilities
5 for early childhood education personnel, includ-
6 ing strategies to enhance the compensation of
7 such personnel;

8 “(F) supporting articulation agreements
9 between 2- and 4-year public and private insti-
10 tutions of higher education and mechanisms to
11 transform other training, professional develop-
12 ment, and experience into academic credit;

13 “(G) developing mentoring and coaching
14 programs to support new educators in and di-
15 rectors of early childhood education programs;

16 “(H) providing career development advis-
17 ing with respect to the field of early childhood
18 education, including informing an individual re-
19 garding—

20 “(i) entry into and continuing edu-
21 cation requirements for professional roles
22 in the field;

23 “(ii) available financial assistance;
24 and

1 “(iii) professional development and ca-
2 reer advancement in the field;

3 “(I) enhancing the quality of faculty and
4 course work in postsecondary programs that
5 lead to an associate, baccalaureate, or graduate
6 degree in early childhood education;

7 “(J) consideration of the availability of on-
8 line graduate level professional development of-
9 fered by institutions of higher education with
10 experience and demonstrated expertise in estab-
11 lishing programs in child development, in order
12 to improve the skills and expertise of individ-
13 uals working in early childhood education pro-
14 grams; and

15 “(K) developing or enhancing a system of
16 quality assurance with respect to the early
17 childhood education professional development
18 and career system, including standards or quali-
19 fications for individuals and entities who offer
20 training and professional development in early
21 childhood education.

22 “(b) PUBLIC HEARINGS.—The State Task Force
23 shall hold public hearings and provide an opportunity for
24 public comment on the activities described in the statewide
25 plan described in subsection (a)(3).

1 “(c) PERIODIC REVIEW.—The State Task Force shall
2 meet periodically to review implementation of the state-
3 wide plan and to recommend any changes to the statewide
4 plan the State Task Force determines necessary.

5 **“SEC. 286. STATE APPLICATION AND REPORT.**

6 “(a) IN GENERAL.—Each State desiring a grant
7 under this subpart shall submit an application to the Sec-
8 retary at such time, in such manner, and accompanied by
9 such information as the Secretary may reasonably require.
10 Each such application shall include a description of—

11 “(1) the membership of the State Task Force;

12 “(2) the activities for which the grant assist-
13 ance will be used;

14 “(3) other Federal, State, local, and private re-
15 sources that will be available to support the activi-
16 ties of the State Task Force described in section
17 285;

18 “(4) the availability within the State of train-
19 ing, educator preparation, professional development,
20 compensation initiatives, and career systems, related
21 to early childhood education; and

22 “(5) the resources available within the State for
23 such training, educator preparation, professional de-
24 velopment, compensation initiatives, and career sys-
25 tems.

1 “(b) REPORT TO THE SECRETARY.—Not later than
2 2 years after receiving a grant under this subpart, a State
3 shall submit a report to the Secretary that shall describe—

4 “(1) other Federal, State, local, and private re-
5 sources that will be used in combination with a
6 grant under this subpart to develop or expand the
7 State’s early childhood education professional devel-
8 opment and career activities;

9 “(2) the ways in which the State Advisory
10 Council will coordinate the various State and local
11 activities that support the early childhood education
12 professional development and career system; and

13 “(3) the ways in which the State Task Force
14 will use funds provided under this subpart to carry
15 out the activities described in section 285.

16 **“SEC. 287. EVALUATIONS.**

17 “(a) STATE EVALUATION.—Each State receiving a
18 grant under this subpart shall—

19 “(1) evaluate the activities that are assisted
20 under this subpart in order to determine—

21 “(A) the effectiveness of the activities in
22 achieving State goals;

23 “(B) the impact of a career lattice for indi-
24 viduals working in early childhood education
25 programs;

1 “(C) the impact of the activities on licens-
2 ing or regulating requirements for individuals
3 in the field of early childhood development;

4 “(D) the impact of the activities, and the
5 impact of the statewide plan described in sec-
6 tion 286(a)(3), on the quality of education, pro-
7 fessional development, and training related to
8 early childhood education programs that are of-
9 fered in the State;

10 “(E) the change in compensation and re-
11 tention of individuals working in early childhood
12 education programs within the State resulting
13 from the activities; and

14 “(F) the impact of the activities on the de-
15 mographic characteristics of individuals working
16 in early childhood education programs; and

17 “(2) submit a report at the end of the grant pe-
18 riod to the Secretary regarding the evaluation de-
19 scribed in paragraph (1).

20 “(b) SECRETARY’S EVALUATION.—Not later than
21 September 30, 2013, the Secretary, in consultation with
22 the Secretary of Health and Human Services, shall pre-
23 pare and submit to the authorizing committees an evalua-
24 tion of the State reports submitted under subsection
25 (a)(2).

1 **“Subpart 6—Preparing General Education Teachers**
2 **to More Effectively Educate Students With Dis-**
3 **abilities**

4 **“SEC. 291. TEACH TO REACH GRANTS.**

5 “(a) AUTHORIZATION OF PROGRAM.—

6 “(1) IN GENERAL.—The Secretary is authorized
7 to award grants, on a competitive basis, to eligible
8 partnerships to improve the preparation of general
9 education teacher candidates to ensure that such
10 teacher candidates possess the knowledge and skills
11 necessary to effectively instruct students with dis-
12 abilities in their classrooms.

13 “(2) DURATION OF GRANTS.—A grant under
14 this section shall be awarded for a period of five
15 years.

16 “(3) NON-FEDERAL SHARE.—An eligible part-
17 nership that receives a grant under this section shall
18 provide not less than 25 percent of the cost of the
19 activities carried out with such grant from non-Fed-
20 eral sources, which may be provided in cash or in
21 kind.

22 “(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In
23 this section, the term ‘eligible partnership’ is a partnership
24 that—

25 “(1) shall include—

1 “(A) one or more departments or programs
2 at an institution of higher education—

3 “(i) that prepare elementary or sec-
4 ondary general education teachers;

5 “(ii) that have a program of study
6 that leads to an undergraduate degree, a
7 master’s degree, or completion of a post-
8 baccalaureate program required for teacher
9 certification; and

10 “(iii) the graduates of which are high-
11 ly qualified, as defined in section 9101 of
12 the Elementary and Secondary Education
13 Act of 1965;

14 “(B) a department or program of special
15 education at an institution of higher education;
16 and

17 “(C) a high-need local educational agency;
18 and

19 “(2) may include a department or program of
20 mathematics, earth or physical science, foreign lan-
21 guage, or other departments at the institution that
22 have a role in preparing teachers.

23 “(c) REQUIRED ACTIVITIES.—An eligible partnership
24 that receives a grant under this section shall use the grant
25 funds to—

1 “(1) develop or strengthen an undergraduate,
2 post-baccalaureate, or master’s teacher preparation
3 program by integrating special education strategies
4 into the general education curriculum and academic
5 content;

6 “(2) provide teacher candidates participating in
7 the program under paragraph (1) with skills related
8 to—

9 “(A) response to intervention, positive be-
10 havioral supports, differentiated instruction,
11 and data driven instruction;

12 “(B) developing and administering alter-
13 nate assessments of students with disabilities;

14 “(C) determining and utilizing accom-
15 modations for instruction and assessments;

16 “(D) collaborating with special educators,
17 related services providers, and parents, includ-
18 ing participation in Individualized Education
19 Program development and implementation; and

20 “(E) utilizing technology and assistive
21 technology for students with disabilities; and

22 “(3) provide extensive clinical experience for
23 such participants, with mentoring and induction
24 support throughout the program that continues dur-
25 ing the first year of full-time teaching.

1 “(d) APPLICATION.—An eligible partnership seeking
2 a grant under this section shall submit an application to
3 the Secretary at such time, in such manner, and con-
4 taining such information as the Secretary may require.
5 Such application shall include—

6 “(1) A self-assessment by the eligible partner-
7 ship of the existing teacher preparation program at
8 the institution of higher education and needs related
9 to preparing general education teacher candidates to
10 instruct students with disabilities.

11 “(2) An assessment of the existing personnel
12 needs for general education teachers who instruct
13 students with disabilities, performed by the local
14 educational agency in which most graduates of the
15 teacher preparation program are likely to teach after
16 completion of the program under subsection (c)(1).

17 “(e) PEER REVIEW.—The Secretary shall convene a
18 peer review committee to review applications for grants
19 under this section and to make recommendations to the
20 Secretary regarding the selection of grantees. Members of
21 the peer review committee shall be recognized experts in
22 the fields of special education, teacher preparation, and
23 general education, and shall not be in a position to benefit
24 financially from any grants awarded under this section.

25 “(f) EVALUATIONS.—

1 “(1) BY THE PARTNERSHIP.—An eligible part-
2 nership receiving a grant under this section shall
3 conduct an evaluation at the end of the grant period
4 to determine the effectiveness of the general edu-
5 cation teachers who completed a program under sub-
6 section (c)(1) at instruction of students with disabil-
7 ities in general education classrooms, and the sys-
8 temic impact of the activities carried out by such
9 grant on how each institution of higher education
10 that is a member of the partnership prepares teach-
11 ers for instruction in elementary and secondary
12 schools. Each eligible partnership performing an
13 evaluation under this paragraph shall report the
14 findings of such evaluation to the Secretary.

15 “(2) REPORT BY THE SECRETARY.—Not later
16 than 180 days after the last day of the grant period
17 under this section, the Secretary shall make avail-
18 able to Congress and the public the findings of the
19 evaluations submitted under paragraph (1), and in-
20 formation on best practices related to effective in-
21 struction of students with disabilities in general edu-
22 cation classrooms.”.

1 **SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF**
2 **BEST PRACTICES IN TEACHER PREPARATION.**

3 (a) IN GENERAL.—The Secretary shall enter into a
4 contract with the National Academy of Sciences to con-
5 duct a 2-year study to develop suggested best practices
6 in teacher preparation for departments, schools, and col-
7 leges of education. Such best practices shall include rec-
8 ommendations to improve teaching skills, including skills
9 related to working with diverse populations.

10 (b) BEST RESEARCH; SUGGESTED TRAINING.—The
11 suggested best practices developed under subsection (a)
12 shall reflect the best research into how students learn and
13 on the content-specific methods shown to be effective with
14 students, including examining how children learn. The
15 suggested best practices shall include suggested training
16 for general and special education teachers in working with
17 diverse populations, utilizing the principles of universal de-
18 sign for learning, assessments in the classroom, and class-
19 room management.

20 (c) COLLABORATION.—

21 (1) IN GENERAL.—In conducting the study
22 under subsection (a), the National Academy of
23 Sciences shall collaborate with interested parties in
24 developing the suggested best practices.

25 (2) INTERESTED PARTIES.—In this subsection,
26 the term “interested parties” means—

- 1 (A) college presidents;
- 2 (B) deans of arts and sciences and teacher
- 3 education programs;
- 4 (C) teacher preparation faculty;
- 5 (D) chief State school officers;
- 6 (E) school superintendents;
- 7 (F) teacher organizations;
- 8 (G) outstanding teachers and principals;
- 9 (H) teacher preparation accrediting organi-
- 10 zations;
- 11 (I) individuals or organizations with exper-
- 12 tise in working with diverse populations, includ-
- 13 ing students with disabilities and limited
- 14 English proficient students; and
- 15 (J) other organizations with expertise in
- 16 teacher recruitment and training.

17 (d) PROHIBITION.—Nothing in this section shall be
18 construed to authorize the National Academy of Sciences
19 to recommend, or any other Federal Government entity
20 or contractor to mandate, direct, control, or suggest, a
21 specific curriculum for teacher education programs.

22 **TITLE III—TITLE III**

23 **AMENDMENTS**

24 **SEC. 301. PROGRAM PURPOSE.**

25 Section 311 (20 U.S.C. 1057) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1), by striking “351”
3 and inserting “391”; and

4 (B) in paragraph (3)(F), by inserting “,
5 including services that will assist in the edu-
6 cation of special populations” before the period;
7 and

8 (2) in subsection (c)—

9 (A) in paragraph (6), by inserting “, in-
10 cluding innovative, customized, instruction
11 courses designed to help retain students and
12 move the students rapidly into core courses and
13 through program completion” before the period;

14 (B) by redesignating paragraphs (7)
15 through (12) as paragraphs (8) through (13),
16 respectively;

17 (C) by inserting after paragraph (6) the
18 following:

19 “(7) Education or counseling services designed
20 to improve the financial literacy and economic lit-
21 eracy of students or the students’ parents.”;

22 (D) in paragraph (12) (as redesignated by
23 subparagraph (B)), by striking “distance learn-
24 ing academic instruction capabilities” and in-
25 serting “distance education technologies”; and

1 (E) in the matter preceding subparagraph
 2 (A) of paragraph (13) (as redesignated by sub-
 3 paragraph (B)), by striking “subsection (c)”
 4 and inserting “subsection (b) and section 391”.

5 **SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIB-**
 6 **ALLY CONTROLLED COLLEGES AND UNIVER-**
 7 **SITIES.**

8 (a) ELIGIBLE INSTITUTIONS.—Section 316(b)(3) (20
 9 U.S.C. 1059c(b)(3)) is amended to read as follows:

10 “(3) TRIBAL COLLEGE OR UNIVERSITY.—The
 11 term ‘Tribal College or University’ means an institu-
 12 tion that—

13 “(A) qualifies for funding under the Trib-
 14 ally Controlled College or University Assistance
 15 Act of 1978 (25 U.S.C. 1801 et seq.) or the
 16 Navajo Community College Assistance Act (25
 17 U.S.C. 640a note); or

18 “(B) is cited in section 532 of the Equity
 19 in Educational Land Grant Status Act of 1994
 20 (7 U.S.C. 301 note).”.

21 (b) DISTANCE LEARNING.—Section 316(c)(2) is
 22 amended—

23 (1) by amending subparagraph (B) to read as
 24 follows:

1 “(B) construction, maintenance, renova-
2 tion, and improvement in classrooms, libraries,
3 laboratories, and other instructional facilities,
4 including purchase or rental of telecommuni-
5 cations technology equipment or services, and
6 the acquisition of real property adjacent to the
7 campus of the institution on which to construct
8 such facilities;”;

9 (2) in subparagraph (C), by inserting before the
10 semicolon at the end the following: “, or advanced
11 degrees in tribal governance or tribal public policy”;

12 (3) in subparagraph (D), by inserting before
13 the semicolon at the end the following: “, and in
14 tribal governance or tribal public policy”;

15 (4) by striking “and” at the end of subpara-
16 graph (K);

17 (5) by redesignating subparagraph (L) as sub-
18 paragraph (M); and

19 (6) by inserting after subparagraph (K) the fol-
20 lowing new subparagraph:

21 “(L) developing or improving facilities for
22 Internet use or other distance learning aca-
23 demic instruction capabilities; and”.

24 (c) APPLICATION AND ALLOTMENT.—Section 316(d)
25 is amended to read as follows:

1 “(d) APPLICATION AND ALLOTMENT.—

2 “(1) INSTITUTIONAL ELIGIBILITY.—To be eligi-
3 ble to receive assistance under this section, a Tribal
4 College or University shall be an eligible institution
5 under section 312(b).

6 “(2) APPLICATION.—Any Tribal College or Uni-
7 versity desiring to receive assistance under this sec-
8 tion shall submit an application to the Secretary at
9 such time, and in such manner, as the Secretary
10 may reasonably require.

11 “(3) MINIMUM GRANT.—Notwithstanding sec-
12 tion 399(c), the amount allotted to each institution
13 under this section shall not be less than \$500,000.

14 “(4) SPECIAL RULES.—

15 “(A) CONCURRENT FUNDING.—For the
16 purposes of this part, no Tribal College or Uni-
17 versity that is eligible for and receives funds
18 under this section shall concurrently receive
19 funds under other provisions of this part or
20 part B.

21 “(B) EXEMPTION.—Section 313(d) shall
22 not apply to institutions that are eligible to re-
23 ceive funds under this section.”.

1 (d) ALLOCATION OF FUNDS.—Section 316 is further
2 amended by adding at the end the following new sub-
3 sections:

4 “(e) CONSTRUCTION GRANTS.—

5 “(1) IN GENERAL.—Of the amount appro-
6 priated to carry out this section for any fiscal year,
7 beginning with fiscal year 2009, the Secretary may
8 reserve 30 percent of such amount for the purpose
9 of awarding 1-year grants of not less than
10 \$1,000,000 to address construction, maintenance,
11 and renovation needs at eligible institutions.

12 “(2) PREFERENCE.—In providing grants under
13 paragraph (1) for any fiscal year, the Secretary shall
14 give preference to eligible institutions that have not
15 received an award under this section for a previous
16 fiscal year.

17 “(f) ALLOTMENT OF REMAINING FUNDS.—The Sec-
18 retary shall distribute any funds appropriated to carry out
19 this section for any fiscal year that remain available after
20 the Secretary has awarded grants under subsection (e),
21 to each eligible institution as follows:

22 “(1) 60 percent of the remaining appropriated
23 funds shall be distributed among the eligible Tribal
24 Colleges and Universities on a pro rata basis, based
25 on the respective Indian student counts (as defined

1 in section 2(a) of the Tribally Controlled College or
 2 University Assistance Act of 1978 (25 U.S.C.
 3 1801(a)) of the Tribal Colleges and Universities;
 4 and

5 “(2) the remaining 40 percent shall be distrib-
 6 uted in equal shares to the eligible Tribal Colleges
 7 and Universities.”.

8 **SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.**

9 Part A of title III is amended by inserting after sec-
 10 tion 317 (20 U.S.C. 1059d) the following new section:

11 **“SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.**

12 “(a) PURPOSE.—It is the purpose of this section to
 13 assist Predominantly Black Institutions in expanding edu-
 14 cational opportunity through a program of Federal assist-
 15 ance.

16 “(b) DEFINITIONS.—For purposes of this section:

17 “(1) PREDOMINANTLY BLACK INSTITUTION.—

18 The term ‘Predominantly Black Institution’ means
 19 an institution of higher education—

20 “(A) that is an eligible institution (as de-
 21 fined in paragraph (5)(A) of this subsection)
 22 with a minimum of 1,000 undergraduate stu-
 23 dents;

24 “(B) at which at least 50 percent of the
 25 undergraduate students enrolled at the institu-

tion are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

“(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor’s or associate’s degree that the institution is licensed to award by the State in which it is located.

“(2) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ has the meaning given such term in section 402A(g).

“(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term ‘means-tested Federal benefit program’ means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs’ benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

“(4) STATE.—The term ‘State’ means each of the 50 States and the District of Columbia.

“(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

1 “(A) ELIGIBLE INSTITUTION.—

2 “(i) The term ‘eligible institution’
3 means an institution of higher education
4 that—

5 “(I) has an enrollment of needy
6 undergraduate students as required
7 and defined by subparagraph (B);

8 “(II) except as provided in sec-
9 tion 392(b), the average educational
10 and general expenditure of which are
11 low, per full-time equivalent under-
12 graduate student in comparison with
13 the average educational and general
14 expenditure per full-time equivalent
15 undergraduate student of institutions
16 that offer similar instruction;

17 “(III) has an enrollment of un-
18 dergraduate students that is at least
19 40 percent Black American students;

20 “(IV) is legally authorized to pro-
21 vide, and provides within the State,
22 an educational program for which the
23 institution awards a bachelors degree,
24 or in the case of a junior or commu-
25 nity college, an associate’s degree;

1 “(V) is accredited by a nationally
2 recognized accrediting agency or asso-
3 ciation determined by the Secretary to
4 be a reliable authority as to the qual-
5 ity of training offered, or is, according
6 to such an agency or association,
7 making reasonable progress toward
8 accreditation; and

9 “(VI) is not receiving assistance
10 under part B of this title.

11 “(ii) In awarding grants under this
12 section the Secretary shall give priority to
13 Predominantly Black Institutions with
14 large numbers or percentages of students
15 described in clause (i)(II) or clause (i)(III).
16 The level of priority given to Predomi-
17 nantly Black Institutions with large num-
18 bers or percentages of students described
19 in paragraph (1)(B) shall be twice the level
20 of priority given to Predominantly Black
21 Institutions with large numbers or percent-
22 ages of students described in paragraph
23 (1)(C).

24 “(B) ENROLLMENT OF NEEDY STU-
25 DENTS.—The term ‘enrollment of needy stu-

1 dents’ means the enrollment at an eligible insti-
2 tution with respect to which at least 50 percent
3 of the undergraduate students enrolled in an
4 academic program leading to a degree—

5 “(i) in the second fiscal year pre-
6 ceding the fiscal year for which the deter-
7 mination is made, were Pell Grant recipi-
8 ents in such year;

9 “(ii) come from families that receive
10 benefits under a means-tested Federal ben-
11 efits program (as defined in paragraph
12 (3));

13 “(iii) attended a secondary school that
14 was a high-need school during any year of
15 such attendance; or

16 “(iv) are ‘first-generation college stu-
17 dents’ as that term is defined in section
18 402A(g), and a majority of such first-gen-
19 eration college students are low-income in-
20 dividuals.

21 “(c) AUTHORIZED ACTIVITIES.—

22 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
23 Grants awarded pursuant to subsection (d) shall be
24 used by Predominantly Black Institutions—

1 “(A) to assist the institution to plan, de-
2 velop, undertake, and implement programs to
3 enhance the institution’s capacity to serve more
4 low- and middle-income Black American stu-
5 dents;

6 “(B) to expand higher education opportu-
7 nities for title IV eligible students by encour-
8 aging college preparation and student persist-
9 ence in secondary and postsecondary education;
10 and

11 “(C) to strengthen the institution’s finan-
12 cial ability to serve the academic needs of the
13 students described in subparagraphs (A) and
14 (B).

15 “(2) AUTHORIZED ACTIVITIES.—Grants made
16 to an institution under subsection (d) shall be used
17 for one or more of the following activities:

18 “(A) The activities described in section
19 311(c)(1) through (11).

20 “(B) Academic instruction in disciplines in
21 which Black Americans are underrepresented.

22 “(C) Establishing or enhancing a program
23 of teacher education designed to qualify stu-
24 dents to teach in a public elementary or sec-
25 ondary school in the State that shall include, as

1 part of such program, preparation for teacher
2 certification.

3 “(D) Establishing community outreach
4 programs which will encourage elementary and
5 secondary students to develop the academic
6 skills and the interest to pursue postsecondary
7 education.

8 “(E) Other activities proposed in the appli-
9 cation submitted pursuant to subsection (e)
10 that—

11 “(i) contribute to carrying out the
12 purposes of this section; and

13 “(ii) are approved by the Secretary as
14 part of the review and acceptance of such
15 application.

16 “(3) ENDOWMENT FUND.—

17 “(A) IN GENERAL.—A Predominantly
18 Black Institution may use not more than 20
19 percent of the grant funds provided under this
20 section to establish or increase an endowment
21 fund at the institution.

22 “(B) MATCHING REQUIREMENT.—In order
23 to be eligible to use grant funds in accordance
24 with subparagraph (A), the Predominantly
25 Black Institution shall provide matching funds

1 from non-Federal sources, in an amount equal
2 to or greater than the Federal funds used in ac-
3 cordance with subparagraph (A), for the estab-
4 lishment or increase of the endowment fund.

5 “(C) COMPARABILITY.—The provisions of
6 part C regarding the establishment or increase
7 of an endowment fund, that the Secretary de-
8 termines are not inconsistent with this sub-
9 section, shall apply to funds used under sub-
10 paragraph (A).

11 “(4) LIMITATION.—Not more than 50 percent
12 of the allotment of any Predominantly Black Institu-
13 tion may be available for the purpose of constructing
14 or maintaining a classroom, library, laboratory, or
15 other instructional facility.

16 “(d) ALLOTMENTS TO PREDOMINANTLY BLACK IN-
17 STITUTIONS.—

18 “(1) ALLOTMENT: PELL GRANT BASIS.—From
19 the amount appropriated to carry out this section
20 for any fiscal year, the Secretary shall allot to each
21 Predominantly Black Institution having an applica-
22 tion approved under subsection (e) a sum which
23 bears the same ratio to one-half that amount as the
24 number of Pell Grant recipients in attendance at
25 such institution at the end of the academic year pre-

ceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

“(2) ALLOTMENT: GRADUATES BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth that amount as the number of graduates for such year at such institution bears to the total number of graduates for such year at all intuitions eligible under this section.

“(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who, within 2 years of graduation with an associates degree or a baccalaureate degree, are admitted to and in attendance at, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American stu-

1 dents are underrepresented, bears to the percentage
2 of such graduates per institution for all eligible insti-
3 tutions.

4 “(4) MINIMUM ALLOTMENT.—(A) Notwith-
5 standing paragraphs (1), (2), and (3) of this sub-
6 section and section 399(c), the amount allotted to
7 each Predominantly Black Institution under this sec-
8 tion shall not be less than \$250,000.

9 “(B) If the amount appropriated pursuant to
10 section 399 for any fiscal year is not sufficient to
11 pay the minimum allotment, the amount of such
12 minimum allotment shall be ratably reduced. If addi-
13 tional sums become available for such fiscal year,
14 such reduced allocation shall be increased on the
15 same basis as it was reduced until the amount allot-
16 ted equals the minimum allotment required by sub-
17 paragraph (A).

18 “(5) REALLOTMENT.—The amount of a Pre-
19 dominantly Black Institution’s allotment under para-
20 graph (1), (2), (3), or (4) for any fiscal year, which
21 the Secretary determines will not be required for
22 such institution for the period such allotment is
23 available, shall be available for reallotment to other
24 Predominantly Black Institutions in proportion to
25 the original allotment to such other institutions

1 under this section for such fiscal year. The Secretary
2 shall reallocate such amounts from time to time, on
3 such date and during such period as the Secretary
4 deems appropriate.

5 “(e) APPLICATIONS.—No Predominantly Black Insti-
6 tution shall be entitled to its allotment of Federal funds
7 for any grant under subsection (d) for any period unless
8 the institution submits an application to the Secretary at
9 such time, in such manner, and containing or accompanied
10 by such information as the Secretary may reasonably re-
11 quire.

12 “(f) APPLICATION REVIEW PROCESS.—Section 393
13 shall not apply to applications under this section.

14 “(g) PROHIBITION.—No Predominantly Black Insti-
15 tution that applies for and receives a grant under this sec-
16 tion may apply for or receive funds under any other pro-
17 gram under this part or part B of this title.

18 “(h) DURATION AND CARRYOVER.—Any funds paid
19 to a Predominantly Black Institution under this section
20 and not expended or used for the purposes for which the
21 funds were paid within 10 years following the date of the
22 grant awarded to such institution under this section shall
23 be repaid to the Treasury of the United States.”.

1 **SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE**
2 **AMERICAN PACIFIC ISLANDER-SERVING IN-**
3 **STITUTIONS.**

4 Part A of title III is amended by inserting after sec-
5 tion 318 (as added by section 303 of this Act) the fol-
6 lowing new section:

7 **“SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PA-**
8 **CIFIC ISLANDER-SERVING INSTITUTIONS.**

9 “(a) PROGRAM AUTHORIZED.—The Secretary shall
10 provide grants and related assistance to Asian American
11 and Native American Pacific Islander-serving institutions
12 to enable such institutions to improve and expand their
13 capacity to serve Asian Americans and Native American
14 Pacific Islanders.

15 “(b) DEFINITIONS.—For the purpose of this sec-
16 tion—

17 “(1) the term ‘Asian American’ has the mean-
18 ing given the term Asian in the Office of Manage-
19 ment and Budget’s Standards for Maintaining, Col-
20 lecting, and Presenting Federal Data on Race and
21 Ethnicity as published on October 30, 1997 (62
22 Fed. Reg. 58789);

23 “(2) the term ‘Native American Pacific Is-
24 lander’ means any descendant of the aboriginal peo-
25 ple of any island in the Pacific Ocean that is a terri-
26 tory or possession of the United States;

1 “(3) the term ‘Asian American and Native
2 American Pacific Islander-serving institution’ means
3 an institution of higher education that—

4 “(A) is an eligible institution under section
5 312(b); and

6 “(B) at the time of application, has an en-
7 rollment of undergraduate students that is at
8 least 10 percent Asian American and Native
9 American Pacific Islander students; and

10 “(4) the term ‘low-income individual’ means an
11 individual from a family whose taxable income for
12 the preceding year did not exceed 150 percent of an
13 amount equal to the poverty level determined by
14 using criteria of poverty established by the Bureau
15 of the Census.

16 “(c) AUTHORIZED ACTIVITIES.—

17 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
18 Grants awarded under this section shall be used by
19 Asian American and Native American Pacific Is-
20 lander-serving institutions to assist such institutions
21 to plan, develop, undertake, and carry out activities
22 to improve and expand such institutions’ capacity to
23 serve Asian Americans and Native American Pacific
24 Islanders.

1 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—

2 Such programs may include—

3 “(A) purchase, rental, or lease of scientific
4 or laboratory equipment for educational pur-
5 poses, including instructional and research pur-
6 poses;

7 “(B) renovation and improvement in class-
8 room, library, laboratory, and other instruc-
9 tional facilities;

10 “(C) support of faculty exchanges, and fac-
11 ulty development and faculty fellowships to as-
12 sist in attaining advanced degrees in the fac-
13 ulty’s field of instruction;

14 “(D) curriculum development and aca-
15 demic instruction;

16 “(E) purchase of library books, periodicals,
17 microfilm, and other educational materials;

18 “(F) funds and administrative manage-
19 ment, and acquisition of equipment for use in
20 strengthening funds management;

21 “(G) joint use of facilities such as labora-
22 tories and libraries;

23 “(H) academic tutoring and counseling
24 programs and student support services;

1 “(I) establishing community outreach pro-
2 grams that will encourage elementary school
3 and secondary school students to develop the
4 academic skills and the interest to pursue post-
5 secondary education;

6 “(J) establishing or improving an endow-
7 ment fund;

8 “(K) academic instruction in disciplines in
9 which Asian Americans and Native American
10 Pacific Islanders are under-represented;

11 “(L) conducting research and data collec-
12 tion for Asian American and Native American
13 Pacific Islander populations and sub-popu-
14 lations; and

15 “(M) establishing partnerships with com-
16 munity based organizations serving Asian
17 Americans and Native American Pacific Island-
18 ers.

19 “(d) APPLICATION PROCESS.—

20 “(1) INSTITUTIONAL ELIGIBILITY.—Each Asian
21 American and Native American Pacific Islander-
22 serving institution desiring to receive assistance
23 under this section shall submit to the Secretary such
24 enrollment data as may be necessary to demonstrate
25 that the institution is an Asian American and Native

1 American Pacific Islander-serving institution as de-
2 fined in subsection (b), along with such other infor-
3 mation and data as the Secretary may require.

4 “(2) APPLICATIONS.—Any institution which is
5 determined by the Secretary to be an Asian Amer-
6 ican and Native American Pacific Islander-serving
7 institution may submit an application for assistance
8 under this section to the Secretary. Such application
9 shall include—

10 “(A) a 5-year plan for improving the as-
11 sistance provided by the Asian American and
12 Native American Pacific Islander-serving insti-
13 tution to Asian American and Native American
14 Pacific Islander students; and

15 “(B) such other information and assurance
16 as the Secretary may require.

17 “(3) SPECIAL RULES.—

18 “(A) ELIGIBILITY.—No Asian American
19 and Native American Pacific Islander-serving
20 institution that receives funds under this sec-
21 tion shall concurrently receive funds under
22 other provisions of this part or part B.

23 “(B) EXEMPTION.—Section 313(d) shall
24 not apply to institutions that are eligible to re-
25 ceive funds under this section.

“(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

“(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and

“(ii) give priority consideration to institutions that serve a significant percentage of Asian American and Native American Pacific Islander students who are low-income individuals.”.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 304 of this Act) the following new section:

“SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

1 “(b) DEFINITIONS.—In this section:

2 “(1) NATIVE AMERICAN.—The term ‘Native
3 American’ means an individual who is of a tribe,
4 people, or culture that is indigenous to the United
5 States.

6 “(2) NATIVE AMERICAN-SERVING, NONTRIBAL
7 INSTITUTION.—The term ‘Native American-serving,
8 nontribal institution’ means an institution of higher
9 education that, at the time of application—

10 “(A) has an enrollment of undergraduate
11 students that is not less than 10 percent Native
12 American students; and

13 “(B) is not a Tribal College or University
14 (as defined in section 316).

15 “(c) AUTHORIZED ACTIVITIES.—

16 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
17 Grants awarded under this section shall be used by
18 Native American-serving, nontribal institutions to
19 assist such institutions to plan, develop, undertake,
20 and carry out activities to improve and expand such
21 institutions’ capacity to serve Native Americans.

22 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—
23 Such programs may include—

24 “(A) the purchase, rental, or lease of sci-
25 entific or laboratory equipment for educational

1 purposes, including instructional and research
2 purposes;

3 “(B) renovation and improvement in class-
4 room, library, laboratory, and other instruc-
5 tional facilities;

6 “(C) support of faculty exchanges, and fac-
7 ulty development and faculty fellowships to as-
8 sist faculty in attaining advanced degrees in the
9 faculty’s field of instruction;

10 “(D) curriculum development and aca-
11 demic instruction;

12 “(E) the purchase of library books, peri-
13 odicals, microfilm, and other educational mate-
14 rials;

15 “(F) funds and administrative manage-
16 ment, and acquisition of equipment for use in
17 strengthening funds management;

18 “(G) the joint use of facilities such as lab-
19 oratories and libraries; and

20 “(H) academic tutoring and counseling
21 programs and student support services.

22 “(d) APPLICATION PROCESS.—

23 “(1) INSTITUTIONAL ELIGIBILITY.—A Native
24 American-serving, nontribal institution desiring to
25 receive assistance under this section shall submit to

1 the Secretary such enrollment data as may be nec-
2 essary to demonstrate that the institution is a Na-
3 tive American-serving, nontribal institution, along
4 with such other information and data as the Sec-
5 retary may by regulation require.

6 “(2) APPLICATIONS.—

7 “(A) PERMISSION TO SUBMIT APPLICA-
8 TIONS.—Any institution that is determined by
9 the Secretary to be a Native American-serving,
10 nontribal institution may submit an application
11 for assistance under this section to the Sec-
12 retary.

13 “(B) SIMPLIFIED AND STREAMLINED FOR-
14 MAT.—The Secretary shall, to the extent pos-
15 sible, prescribe a simplified and streamlined for-
16 mat for applications under this section that
17 takes into account the limited number of insti-
18 tutions that are eligible for assistance under
19 this section.

20 “(C) CONTENT.—An application submitted
21 under subparagraph (A) shall include—

22 “(i) a 5-year plan for improving the
23 assistance provided by the Native Amer-
24 ican-serving, nontribal institution to Native
25 Americans; and

1 “(ii) such other information and as-
 2 surances as the Secretary may require.

3 “(3) SPECIAL RULES.—

4 “(A) ELIGIBILITY.—No Native American-
 5 serving, nontribal institution that receives funds
 6 under this section shall concurrently receive
 7 funds under other provisions of this part or
 8 part B.

9 “(B) EXEMPTION.—Section 313(d) shall
 10 not apply to institutions that are eligible to re-
 11 ceive funds under this section.

12 “(C) DISTRIBUTION.—In awarding grants
 13 under this section, the Secretary shall, to the
 14 extent possible and consistent with the competi-
 15 tive process under which such grants are
 16 awarded, ensure maximum and equitable dis-
 17 tribution among all eligible institutions.”.

18 **SEC. 306. STRENGTHENING HISTORICALLY BLACK COL-**
 19 **LEGES AND UNIVERSITIES.**

20 (a) DEFINITIONS.—Section 322(4) (20 U.S.C.
 21 1061(4)) is amended by inserting after “the Secretary”
 22 the following: “, in consultation with the Commissioner of
 23 the National Center for Education Statistics,”.

24 (b) AUTHORIZED ACTIVITIES.—Section 323(a) (20
 25 U.S.C. 1062(a)) is amended—

1 (1) by redesignating paragraph (12) as para-
2 graph (15); and

3 (2) by inserting after paragraph (11) the fol-
4 lowing new paragraphs:

5 “(12) Acquisition of real property in connection
6 with the construction, renovation, or addition to or
7 improvement of campus facilities.

8 “(13) Education or financial information de-
9 signed to improve the financial literacy and economic
10 literacy of students or the students’ parents, espe-
11 cially with regard to student indebtedness and stu-
12 dent assistance programs under the title IV.

13 “(14) Technical assistance or services necessary
14 for the implementation of projects or activities that
15 are described in the grant application and that are
16 approved, in advance, by the Secretary, except that
17 not more than two percent of the grant amount may
18 be used for this purpose.”.

19 (c) ALLOTMENTS.—

20 (1) MINIMUM ALLOTMENT.—Subsection (d) of
21 section 324 (20 U.S.C. 1063(d)) is amended to read
22 as follows:

23 “(d) MINIMUM ALLOTMENT.—(1) If an otherwise eli-
24 gible part B institution did not enroll any Pell Grant re-
25 cipients, or did not graduate any students in the previous

1 academic year, or where appropriate, send any such grad-
2 uates on to graduate or first-professional degree study, the
3 institution shall not receive a grant under this part.

4 “(2) If the data provided by an eligible institution,
5 pursuant to this section, is insufficient to justify an award
6 in excess of \$500,000, the otherwise eligible institution
7 shall receive an allotment of \$500,000, except that the
8 Secretary shall not make an award of \$500,000 if the
9 amount determined based upon the formulas using sub-
10 section (b), (c), and (d) would be less than \$250,000. If
11 the amount determined by the formula would be less than
12 \$250,000, the Secretary shall award the minimum allot-
13 ment of \$250,000.”.

14 (2) CONDITION FOR ALLOTMENTS.—Section
15 324 (20 U.S.C. 1063) is further amended by adding
16 at the end the following new subsection:

17 “(h) CONDITIONS FOR ALLOTMENTS.—No institution
18 shall receive an allotment under this section unless the in-
19 stitution provides data, required by the Secretary con-
20 sistent with the formula in subsections (a) through (c),
21 including the number of Pell Grant recipients enrolled in
22 the previous award year; the number of students who
23 earned an associate or baccalaureate degree in the pre-
24 vious academic year; and, when appropriate, the percent-
25 age of graduates who, within the past five years, enrolled

1 in a graduate or first-professional degree program. No in-
2 stitution shall receive an allotment, including the min-
3 imum allotment under subsection (d), unless the institu-
4 tion provides the data required of that institution by the
5 Secretary.”.

6 (d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

7 (1) DURATION OF GRANT.—Section 326(b) (20
8 U.S.C. 1063b(b)) is amended by adding at the end
9 the following new sentence: “Any funds awarded for
10 such five-year grant period that are obligated during
11 such five-year period may be expended during the
12 10-year period beginning on the first day of such
13 five-year period.”.

14 (2) AUTHORIZED ACTIVITIES.—Section 326(c)
15 (20 U.S.C. 1063b(c)) is amended—

16 (A) by striking “and” at the end of para-
17 graph (6);

18 (B) by striking the period at the end of
19 paragraph (7) and inserting a semicolon; and

20 (C) by adding at the end the following new
21 paragraphs:

22 “(8) acquisition of real property in connection
23 with the construction, renovation, or addition to or
24 improvement of campus facilities;

1 “(9) education or financial information de-
2 signed to improve the financial literacy and economic
3 literacy of students or the students’ parents, espe-
4 cially with regard to student indebtedness and stu-
5 dent assistance programs under the title IV; and

6 “(10) technical assistance or services necessary
7 for the implementation of projects or activities that
8 are described in the grant application and that are
9 approved, in advance, by the Secretary, except that
10 not more than two percent of the grant amount may
11 be used for this purpose.”.

12 (3) ELIGIBILITY.—Section 326(e)(1) (20
13 U.S.C. 1063b(e)(1)) is amended—

14 (A) by striking “and” at the end of sub-
15 paragraph (Q);

16 (B) by striking the period at the end of
17 subparagraph (R) and inserting a semicolon;
18 and

19 (C) by adding at the end the following new
20 subparagraphs:

21 “(S) Alabama State University qualified
22 graduate programs;

23 “(T) Bowie State University qualified
24 graduate programs;

1 “(U) Delaware State University qualified
2 graduate programs;

3 “(V) Langston University qualified grad-
4 uate programs;

5 “(W) Prairie View A&M University quali-
6 fied graduate programs; and

7 “(X) University of the District of Colum-
8 bia David A. Clarke School of Law.”.

9 (4) CONFORMING AMENDMENT.—Section
10 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

11 (A) by striking “1998” and inserting
12 “2008”; and

13 (B) by striking “(Q) and (R)” and insert-
14 ing “(S) through (X)”.

15 (5) PRESERVATION OF FUNDING.—Section
16 326(f) (20 U.S.C. 1063b(f)) is amended—

17 (A) in paragraph (1)—

18 (i) by striking “\$26,600,000” and in-
19 serting “\$54,500,000”; and

20 (ii) by striking “(P)” and inserting
21 “(R)”;

22 (B) in paragraph (2)—

23 (i) by striking “\$26,600,000, but not
24 in excess of \$28,600,000” and inserting

1 “\$54,500,000, but not in excess of
2 \$60,500,000”; and

3 (ii) by striking “subparagraphs (Q)
4 and (R)” and inserting “subparagraphs
5 (S) through (X)”; and
6 (C) in paragraph (3)—

7 (i) by striking “\$28,600,000” and in-
8 serting “\$60,500,000”; and

9 (ii) by striking “(R)” and inserting
10 “(X)”.

11 (e) UNEXPENDED FUNDS.—Section 327(b) (20
12 U.S.C. 1063c(b)) is amended to read as follows:

13 “(b) USE OF UNEXPENDED FUNDS.—Any funds paid
14 to an institution and not expended or used for the pur-
15 poses for which the funds were paid during the five-year
16 period following the date of the initial grant award, may
17 be carried over and expended during the succeeding five-
18 year period, if such funds were obligated for a purpose
19 for which the funds were paid during the five-year period
20 following the date of the initial grant award.”.

21 **SEC. 307. ENDOWMENT CHALLENGE GRANTS.**

22 (a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b))
23 is amended—

24 (1) in paragraph (2)(B)(i), by striking
25 “\$500,000” and inserting “\$1,000,000”; and

1 (2) in paragraph (5), by striking “\$50,000”
 2 and inserting “\$100,000”.

3 (b) TECHNICAL ASSISTANCE.—Section 331 (20
 4 U.S.C. 1065) is further amended by adding at the end
 5 the following new subsection:

6 “(l) TECHNICAL ASSISTANCE.—The Secretary, di-
 7 rectly or by grant or contract, may provide technical as-
 8 sistance to eligible institutions to prepare the institutions
 9 to qualify, apply for, and maintain a grant, under this sec-
 10 tion.”.

11 **SEC. 308. HISTORICALLY BLACK COLLEGE AND UNIVER-**
 12 **SITY CAPITAL FINANCING.**

13 (a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a)
 14 is amended—

15 (1) in paragraph (5)(G), by inserting “by an
 16 accrediting agency or association recognized by the
 17 Secretary of Education” after “agency or associa-
 18 tion”;

19 (2) in paragraph (8)—

20 (A) is amended by striking “the private”
 21 and inserting “any private”; and

22 (B) by inserting adding “capital project”
 23 after “issuing taxable”; and

24 (3) by adding at the end the following new
 25 paragraphs:

1 “(10) The term ‘eligible foundation’ means a
2 non-profit foundation owned and sponsored by an el-
3 igible institution, or an entity wholly owned by such
4 a foundation.

5 “(11) The term ‘borrower’ means the eligible
6 institution or the eligible foundation that receives
7 funding pursuant to a loan.”.

8 (b) FEDERAL INSURANCE FOR BONDS.—

9 (1) RESPONSIBILITIES OF DESIGNATED BOND-
10 ING AUTHORITY.—Section 343(b) (20 U.S.C.
11 1066b(b)) is amended—

12 (A) in paragraph (1), by striking “2 per-
13 cent” and inserting “1 percent”;

14 (B) in paragraph (3)(A), by inserting “,
15 not to exceed 1 percent,” after “charge such in-
16 terest”;

17 (C) in paragraph (8)—

18 (i) by inserting “for loans closed be-
19 fore June 15, 2008,” before “establish an
20 escrow account”;

21 (ii) in subparagraph (B)(ii), by insert-
22 ing “within 90 days” after “loan pro-
23 ceeds”;

24 (D) by striking “and” at the end of para-
25 graph (10);

1 (E) by striking the period at the end of
2 paragraph (11) and inserting a semicolon; and

3 (F) by adding at the end the following new
4 paragraphs:

5 “(12) with respect to any such loan, provide
6 that any loan collateralization shall not exceed 100
7 percent of the loan amount; and

8 “(13) for loans closed after, June 15, 2008, es-
9 tablish a reserve account which shall be available to
10 the Secretary to pay principal and interest on the
11 bonds in the event of delinquency in loan repayment,
12 which reserve account shall consist of an origination
13 fee of 1 percent with respect to each loan.”.

14 (2) FORBEARANCE; DEFERMENT.—Section 343
15 is further amended by adding at the end the follow
16 new subsections:

17 “(f) FORBEARANCE.—An insurance agreement under
18 this subsection shall contain provisions providing that,
19 upon request from the borrower and with the approval of
20 the Secretary in consultation with the Advisory Board, the
21 designated bond authority shall grant a borrower forbear-
22 ance, renewable at 12-month intervals, on terms agreed
23 to in writing by the parties to the loan with the approval
24 of the Secretary, and otherwise consistent with the regula-
25 tions of the Secretary.

1 “(g) DEFERMENT.—An insurance agreement under
2 this subsection shall contain provisions providing that,
3 during construction or renovation, the Designated Bond
4 Authority shall grant a borrower deferment, renewable at
5 12-month intervals, on terms agreed to in writing by the
6 parties to the loan with the approval of the Secretary in
7 consultation with the Advisory Board, and otherwise con-
8 sistent with the regulations of the Secretary.”.

9 (c) LIMITATIONS ON FEDERAL INSURANCE FOR
10 BONDS ISSUED BY THE DESIGNATED BONDING AUTHOR-
11 ITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

12 (1) by striking “\$375,000,000” and inserting
13 “\$1,100,000,000”;

14 (2) by striking “\$250,000,000” and inserting
15 “\$733,333,333”; and

16 (3) by striking “\$125,000,000” and inserting
17 “\$366,666,666”.

18 (d) AUTHORITY OF THE SECRETARY.—Section
19 345(1) (20 U.S.C. 1066d(1)) is amended—

20 (1) by striking “the Higher Education Amend-
21 ments of 1992,” and inserting “the College Oppor-
22 tunity and Affordability Act of 2008”;

23 (2) by striking “and” at the end of subpara-
24 graph (A); and

1 (3) by inserting after subparagraph (B) the fol-
2 lowing new subparagraphs:

3 “(C) specify up to 3 designated bonding
4 authorities to be authorized under this part;
5 and

6 “(D) provide for periodic review of des-
7 ignated bonding authority authorizations no
8 less frequently than every 3 years;”.

9 (e) HBCU CAPITAL FINANCING ADVISORY BOARD.—
10 Section 347(b)(1) (20 U.S.C. 1066f(b)(1)) is amended—

11 (1) by striking out “9 members” and inserting
12 “11 members”;

13 (2) in subparagraph (C), by striking “two” and
14 inserting “three”;

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(G) The president of the Thurgood Mar-
18 shall Scholarship Fund.”.

19 **SEC. 309. PROGRAMS IN STEM FIELDS.**

20 (a) YES PARTNERSHIPS; ENTRY INTO STEM
21 FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is
22 amended—

23 (1) by redesignating subpart 2 as subpart 3;
24 and

1 (2) by inserting after subpart 1 the following
2 new subpart:

3 **“Subpart 2—Programs in STEM Fields**

4 **“SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.**

5 “(a) GRANT PROGRAM AUTHORIZED.—Subject to the
6 availability of appropriations to carry out this subpart, the
7 Secretary shall make grants to eligible partnerships (as
8 described in subsection (f)) to support underrepresented
9 minority youth engagement in science, technology, engi-
10 neering, and mathematics through outreach and hands-on,
11 experiential-based learning projects that encourage under-
12 represented minority students in kindergarten through
13 grade 12 to pursue careers in science, technology, engi-
14 neering, and mathematics.

15 “(b) MINIMUM GRANT AMOUNT.—A grant awarded
16 to a partnership under this subpart shall be for an amount
17 that is not less than \$500,000.

18 “(c) DURATION.—A grant awarded under this sub-
19 part shall be for a period of 5 years.

20 “(d) NON-FEDERAL MATCHING SHARE RE-
21 QUIRED.—A partnership receiving a grant under this sub-
22 part shall provide, from non-Federal sources, in cash or
23 in kind, an amount equal to 50 percent of the costs of
24 the project supported by such grant.

1 “(e) DISTRIBUTION OF GRANTS.—In awarding
2 grants under this subpart, the Secretary shall ensure that,
3 to the maximum extent practicable, the projects funded
4 under this subpart are located in diverse geographic re-
5 gions of the United States.

6 “(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding
7 the general eligibility provision in section 361, eligibility
8 to receive grants under this subpart is limited to partner-
9 ships described in paragraph (5) of such section.

10 **“SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.**

11 “(a) AUTHORITY TO CONTRACT, SUBJECT TO AP-
12 PROPRIATIONS.—The Secretary of Education is author-
13 ized to enter into a contract with a firm with a dem-
14 onstrated record of success in advertising to implement
15 a campaign to expand the population of qualified individ-
16 uals in science, technology, engineering, and math
17 (STEM) fields by encouraging young Americans to enter
18 the those fields.

19 “(b) DESIGN OF CAMPAIGN.—Such a campaign shall
20 be designed to enhance the image of education and profes-
21 sions in the STEM fields and promote participation in the
22 STEM fields and shall include—

23 “(1) monitoring trends in youth attitudes to-
24 ward pursuing education and professions in the

1 STEM fields and their propensity toward entering
2 the STEM fields;

3 “(2) determining what factors contribute to en-
4 couraging and discouraging Americans from pur-
5 suing study in STEM fields and entering the STEM
6 fields professionally;

7 “(3) determining what specific factors limit the
8 participation of groups currently underrepresented
9 in STEM fields, including Latinos, African-Ameri-
10 cans, and women; and

11 “(4) drawing from the market research per-
12 formed under this section and implementing an ad-
13 vertising campaign to encourage young Americans to
14 take up studies in STEM fields, beginning at an
15 early age.

16 “(c) REQUIRED COMPONENTS.—Such a campaign
17 shall include components that focus tailored messages on
18 appropriate age groups, starting with elementary school
19 students. Such a campaign shall link participation in the
20 STEM fields to the concept of service to one’s country,
21 so that young people will be encouraged to enter the
22 STEM fields in order fulfill the obligation to be of service
23 to their country.

24 “(d) PRIORITY.—Such a campaign shall hold as a
25 high priority making specific appeals to Latinos, African-

1 Americans, and women, who are currently under-rep-
2 resented in the STEM fields, in order to increase their
3 numbers in the STEM fields, and shall tailor recruitment
4 efforts to each specific group.

5 “(e) USE OF VARIETY OF MEDIA.—Such a campaign
6 shall make use of a variety of media, with an emphasis
7 on television advertising, to reach its intended audience.

8 “(f) TEACHING.—Such a campaign shall include a
9 narrowly focused effort to attract current professionals in
10 the STEM fields, through advertising in mediums likely
11 to reach that specific group, into teaching in a STEM field
12 in elementary and secondary school.

13 **“SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.**

14 “The Secretary shall develop an evaluation and ac-
15 countability plan for projects funded under this subpart.
16 Such plan shall include, if the Secretary determines that
17 it is practical, an objective measure of the impact of such
18 projects, such as a measure of whether underrepresented
19 minority student enrollment in courses related to science,
20 technology, engineering, and mathematics increases at the
21 secondary and postsecondary levels.”.

22 (b) ELIGIBILITY FOR GRANTS.—Section 361 (20
23 U.S.C. 1067g) is amended—

24 (1) by striking “or” at the end of paragraph

25 (3);

1 (2) in paragraph (4)—

2 (A) by inserting “to include public institu-
3 tions of higher education” after “organiza-
4 tions,”;

5 (B) in subparagraph (C), by inserting be-
6 fore the semicolon the following: “, the Depart-
7 ment of Defense, or the National Science Foun-
8 dation”;

9 (C) by striking “or” at the end of subpara-
10 graph (D);

11 (D) by striking the period at the end of
12 subparagraph (E) and inserting “; or”; and

13 (E) by adding at the end the following new
14 subparagraph:

15 “(F) institutions of higher education which
16 have State-approved centers for research in
17 science, technology, engineering, and mathe-
18 matics; or”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(5) only with respect to grants under subpart
22 2, partnerships of organizations, the membership of
23 which shall include—

1 “(A) at least one institution of higher edu-
2 cation eligible for assistance under this title or
3 title V;

4 “(B) at least one high need local edu-
5 cational agency (as defined in section 200); and

6 “(C) at least two community organizations
7 or entities, such as businesses, professional as-
8 sociations, community-based organizations, phil-
9 anthropic organizations, or State agencies.”.

10 **SEC. 310. TECHNICAL ASSISTANCE.**

11 Section 391 (20 U.S.C. 1068) is amended by adding
12 at the end the following new subsection:

13 “(e) TECHNICAL ASSISTANCE.—The Secretary, di-
14 rectly or by grant or contract, may provide technical as-
15 sistance to eligible institutions to prepare the institutions
16 to qualify, apply for, and maintain a grant, under this
17 title.”.

18 **SEC. 311. WAIVER AUTHORITY.**

19 (a) Section 392 (20 U.S.C. 1068a) is amended by
20 adding at the end the following new subsection:

21 “(c) WAIVER AUTHORITY WITH RESPECT TO INSTI-
22 TUTIONS LOCATED IN AN AREA AFFECTED BY A GULF
23 HURRICANE DISASTER.—

24 “(1) WAIVER AUTHORITY.—Notwithstanding
25 any other provision of the law unless enacted with

1 specific reference to this section, for any affected in-
2 stitution that was receiving assistance under this
3 title at the time of a Gulf hurricane disaster, the
4 Secretary shall, for each of the fiscal years 2009
5 through 2013—

6 “(A) waive—

7 “(i) the eligibility data requirements
8 set forth in section 391(d);

9 “(ii) the wait-out period set forth in
10 section 313(d);

11 “(iii) the allotment requirements
12 under section 324; and

13 “(iv) the use of the funding formula
14 developed pursuant to section 326(f)(3);

15 “(B) waive or modify any statutory or reg-
16 ulatory provision to ensure that affected institu-
17 tions that were receiving assistance under this
18 title at the time of a Gulf hurricane disaster are
19 not adversely impacted by any formula calcula-
20 tion for fiscal year 2009 or for any of the 4
21 succeeding fiscal years; and

22 “(C) make available to each affected insti-
23 tution an amount that is not less than the
24 amount made available to such institution
25 under this title for fiscal year 2006.

1 “(2) DEFINITIONS.—In this subsection:

2 “(A) AFFECTED INSTITUTION.—The term
3 ‘affected institution’ means an institution of
4 higher education that—

5 “(i) is—

6 “(I) a part A institution, as such
7 term is defined in section 312(b);

8 “(II) an American Indian Tribal
9 College or University, as such term is
10 defined in section 316(b);

11 “(III) an Alaskan Native-serving
12 institution or Native Hawaiian-serving
13 institution, as such terms are defined
14 in section 317(b); or

15 “(IV) a part B institution, as
16 such term is defined in section
17 322(2), or as identified in section
18 326(e) of such Act of 1965 (20
19 U.S.C. 1063(b));

20 “(ii) is located in an area affected by
21 a Gulf hurricane disaster; and

22 “(iii) is able to demonstrate that, as a
23 result of the impact of a Gulf hurricane
24 disaster, the institution—

25 “(I) incurred physical damage;

1 “(II) has pursued collateral
 2 source compensation from insurance,
 3 the Federal Emergency Management
 4 Agency, and the Small Business Ad-
 5 ministration, as appropriate; and

6 “(III) was not able to fully re-
 7 open in existing facilities or to fully
 8 reopen to the pre-hurricane enroll-
 9 ment levels during the 30-day period
 10 beginning on August 29, 2005.

11 “(B) AREA AFFECTED BY A GULF HURRI-
 12 CANE DISASTER; GULF HURRICANE DIS-
 13 ASTER.—The terms ‘area affected by a Gulf
 14 hurricane disaster’ and ‘Gulf hurricane disaster’
 15 have the meanings given such terms in section
 16 209 of the Higher Education Hurricane Relief
 17 Act of 2005 (Public Law 109–148, 119 Stat.
 18 2809).”.

19 **SEC. 312. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C.
 21 1068h(a)) is amended to read as follows:

22 “(a) AUTHORIZATIONS.—

23 “(1) PART A.—(A) There are authorized to be
 24 appropriated to carry out part A, \$150,000,000
 25 (other than sections 316 through 320) for fiscal year

1 2009, and such sums as may be necessary for each
2 of the 4 succeeding fiscal years.

3 “(B) There are authorized to be appropriated
4 to carry out section 316, \$30,000,000 for fiscal year
5 2009 and such sums as may be necessary for each
6 of the 4 succeeding fiscal years.

7 “(C) There are authorized to be appropriated to
8 carry out section 317, \$15,000,000 for fiscal year
9 2009 and such sums as may be necessary for each
10 of the 4 succeeding fiscal years.

11 “(D) There are authorized to be appropriated
12 to carry out section 318, \$75,000,000 for fiscal year
13 2009 and such sums as may be necessary for each
14 of the 4 succeeding fiscal years.

15 “(E) There are authorized to be appropriated
16 to carry out section 319, \$30,000,000 for fiscal year
17 2009 and such sums as may be necessary for each
18 of the 4 succeeding fiscal years.

19 “(F) There are authorized to be appropriated to
20 carry out section 320, \$25,000,000 for fiscal year
21 2009 and such sums as may be necessary for each
22 of the 4 succeeding fiscal years.

23 “(2) PART B.—(A) There are authorized to be
24 appropriated to carry out part B (other than section
25 326), \$500,000,000 for fiscal year 2009, and such

1 sums as may be necessary for each of the 4 suc-
2 ceeding fiscal years.

3 “(B) There are authorized to be appropriated
4 to carry out section 326, \$125,000,000 for fiscal
5 year 2009, and such sums as may be necessary for
6 each of the 4 succeeding fiscal years.

7 “(3) PART C.—There are authorized to be ap-
8 propriated to carry out part C, \$20,000,000 for fis-
9 cal year 2009, and such sums as may be necessary
10 for each of the 4 succeeding fiscal years.

11 “(4) PART D.—(A) There are authorized to be
12 appropriated to carry out part D (other than section
13 345(7), but including section 347), \$150,000 for fis-
14 cal year 2009, and such sums as may be necessary
15 for each of the 4 succeeding fiscal years.

16 “(B) There are authorized to be appropriated
17 to carry out section 345(7), such sums as may be
18 necessary for fiscal year 2009 and each of the 4 suc-
19 ceeding fiscal years.

20 “(5) PART E.—(A) There are authorized to be
21 appropriated to carry out subpart 1 of part E,
22 \$12,000,000 for fiscal year 2009 and such sums as
23 may be necessary for each of the 4 succeeding fiscal
24 years.

1 “(B) There are authorized to be appropriated
2 to carry out subpart 2 of part E, \$10,000,000 for
3 fiscal year 2009 and such sums as may be necessary
4 for each of the 4 succeeding fiscal years.”.

5 (b) MINIMUM GRANT AMOUNT.—Section 399 (20
6 U.S.C. 1068h) is amended by adding at the end the fol-
7 lowing:

8 “(c) MINIMUM GRANT AMOUNT.—The minimum
9 amount of a grant under this title shall be \$200,000.”.

10 **SEC. 313. TECHNICAL CORRECTIONS.**

11 (a) AMENDMENTS.—Title III (20 U.S.C. 1051 et
12 seq.) is further amended—

13 (1) in section 342(5)(C) (20 U.S.C.
14 1066a(5)(C)), by striking “,” and inserting “,”;

15 (2) in section 343(e) (20 U.S.C. 1066b(e)), by
16 inserting “SALE OF QUALIFIED BONDS.—” before
17 “Notwithstanding”;

18 (3) in the matter preceding clause (i) of section
19 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking
20 “support” and inserting “supports”;

21 (4) in section 391(b)(7)(E) (20 U.S.C.
22 1068(b)(7)(E)), by striking “subparagraph (E)” and
23 inserting “subparagraph (D)”;

24 (5) in the matter preceding subparagraph (A)
25 of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by

1 striking “eligible institutions under part A institu-
 2 tions” and inserting “eligible institutions under part
 3 A”; and

4 (6) in the matter preceding paragraph (1) of
 5 section 396 (20 U.S.C. 1068e), by striking “360”
 6 and inserting “399”.

7 (b) REDESIGNATION AND RELOCATION.—The Higher
 8 Education Act of 1965 is further amended—

9 (1) by redesignating part J of title IV (as
 10 added by section 802 of the College Cost Reduction
 11 and Access Act) as part G of title III, and moving
 12 such part from the end of title IV to the end of title
 13 III; and

14 (2) by redesignating section 499A (as added by
 15 such section) as section 399A.

16 **TITLE IV—TITLE IV** 17 **AMENDMENTS**

18 **PART A—PART A AMENDMENTS**

19 **SEC. 401. FEDERAL PELL GRANTS.**

20 (a) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A)
 21 (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

22 “(2)(A) The amount of the Federal Pell Grant for
 23 a student eligible under this part shall be \$9,000 for each
 24 of the academic years 2009–2010 through 2013–2014,
 25 less an amount equal to the amount determined to be the

1 expected family contribution with respect to that student
2 for that year.”.

3 (b) MULTIPLE GRANTS.—

4 (1) AMENDMENT.—Paragraph (5) of section
5 401(b) is amended to read as follows:

6 “(5) YEAR-ROUND PELL GRANTS.—The Sec-
7 retary shall, for students enrolled in a baccalaureate
8 degree, associate’s degree, or certificate program of
9 study at an eligible institution, award such students
10 not more than two Pell grants during an award year
11 to permit such students to accelerate progress to-
12 ward their degree or certificate objectives by enroll-
13 ing in courses for more than 2 semesters, or 3 quar-
14 ters, or the equivalent, in a given academic year.”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall be effective July 1, 2009.

17 (c) INELIGIBILITY BASED ON INVOLUNTARY CIVIL
18 COMMITMENT FOR SEXUAL OFFENSES.—Paragraph (7)
19 of section 401(b) (as redesignated by section 101(a) of
20 the College Cost Reduction and Access Act) is amended
21 by inserting before the period the following: “or who is
22 subject to an involuntary civil commitment upon comple-
23 tion of a period of incarceration for a forcible or nonfore-
24 cible sexual offense (as determined in accordance with the

1 Federal Bureau of Investigation’s Uniform Crime Report-
2 ing Program)”.
3

4 (d) TECHNICAL AMENDMENTS TO CCRAA.—Section
401(b)(9) is amended—

5 (1) by amending subparagraph (D) to read as
6 follows:

7 “(D) PROGRAM REQUIREMENTS AND OP-
8 ERATIONS OTHERWISE UNAFFECTED.—Except
9 as provided in subparagraphs (B) and (C),
10 nothing in this paragraph shall be construed to
11 alter the requirements and operations of the
12 Federal Pell Grant Program as authorized
13 under this section, or authorize the imposition
14 of additional requirements or operations for the
15 determination and allocation of Federal Pell
16 Grants under this section.”; and

17 (2) by amending subparagraph (F) to read as
18 follows:

19 “(F) AVAILABILITY OF FUNDS.—The
20 amounts made available by subparagraph (A)
21 for any fiscal year shall be available beginning
22 on October 1 of that fiscal year, and shall re-
23 main available through September 30 of the
24 succeeding fiscal year.”.

1 (e) MAXIMUM DURATION OF ELIGIBILITY.—Section
2 401(c) is amended by adding at the end the following new
3 paragraph:

4 “(5) The period during which a student may receive
5 Federal Pell Grants shall not exceed the equivalent of 18
6 semesters or 27 quarters in duration, as determined by
7 the Secretary by regulation. Such regulations shall pro-
8 vide, with respect to a student who received a Federal Pell
9 Grant for a semester or quarter but was enrolled at a frac-
10 tion of full-time, that only that same fraction of such se-
11 mester or quarter shall count towards such duration lim-
12 its. The provisions of this paragraph shall apply only to
13 a student who receives a Federal Pell Grant for the first
14 time on or after July 1, 2008.”.

15 (f) CALCULATION OF FEDERAL PELL GRANT ELIGI-
16 BILITY.—

17 (1) AMENDMENT.—Section 401(f) of the High-
18 er Education Act of 1965 (20 U.S.C. 1070a(f)) is
19 amended by adding at the end the following new
20 paragraph:

21 “(4)(A) Notwithstanding paragraph (1) or any
22 other provision of this section, the expected family
23 contribution of each student described in subpara-
24 graph (B) shall be deemed to be zero for the period

1 during which each such student is eligible to receive
2 a Federal Pell Grant under subsection (c).

3 “(B) Subparagraph (A) shall apply to any stu-
4 dent at an institution of higher education—

5 “(i) whose parent or guardian was a mem-
6 ber of the Armed Forces of the United States
7 who died as a result of performing military
8 service in Iraq or Afghanistan after September
9 11, 2001; and

10 “(ii) who was 18 years or less, or was en-
11 rolled as a full-time or part-time student at an
12 institution of higher education, as of the time
13 of the parent or guardian’s death.”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall apply with respect to Federal
16 Pell Grants awarded for academic year 2009–2010,
17 and each succeeding academic year.

18 (g) ACADEMIC COMPETITIVENESS GRANTS.—Section
19 401A (as amended by section 8003 of Public Law 109–
20 171)—

21 (1) in subsection (b), by striking “academic”
22 each place it appears;

23 (2) in subsection (c)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by striking “academic” and insert-
2 ing “award”; and

3 (ii) by striking “full-time”; and

4 (B) by amending paragraph (1) to read as
5 follows:

6 “(1) is an eligible student under section 484,
7 including being enrolled or accepted for enrollment
8 in a degree, certificate, or other eligible program
9 leading to a recognized educational credential at an
10 institution of higher education;”; and

11 (C) in paragraph (3)—

12 (i) by striking “academic” each place
13 it appears;

14 (ii) by striking “established by a State
15 or local educational agency and recognized
16 as such by the Secretary” each place it ap-
17 pears in subparagraphs (A)(i) and (B)(i)
18 and inserting “that prepares students for
19 college and work beyond the basic gradua-
20 tion requirements and that is recognized as
21 such by the designated State official, or
22 with respect to any private school or home
23 school, the designated school official for
24 such school, consistent with State law”;

1 (iii) in subparagraph (A)(ii), by in-
2 serting “, except as part of a secondary
3 school program of study” before the semi-
4 colon;

5 (iv) in subparagraph (C)—

6 (I) by striking clause (i)(II) and
7 inserting the following:

8 “(II) a critical foreign language;
9 and”; and

10 (II) in clause (ii), by striking the
11 period at the end and inserting “;
12 and”; and

13 (v) by adding at the end the following:

14 “(D) the third or fourth year of a program
15 of undergraduate education at an institution of
16 higher education (as defined in section 101(a))
17 that demonstrates, to the satisfaction of the
18 Secretary, that the institution—

19 “(i) offers a single liberal arts cur-
20 riculum leading to a baccalaureate degree,
21 under which students are not permitted by
22 the institution to declare a major in a par-
23 ticular subject area, and those students—

24 “(I) study, in such years, a sub-
25 ject described in subparagraph (C)(i)

1 that is at least equal to the require-
2 ments for an academic major at an in-
3 stitution of higher education that of-
4 fers a baccalaureate degree in such
5 subject, as certified by an appropriate
6 official from the institution; or

7 “(II) has obtained a cumulative
8 grade point average of at least 3.0 (or
9 the equivalent as determined under
10 regulations prescribed by the Sec-
11 retary) in the relevant coursework;
12 and

13 “(ii) offered such curriculum prior to
14 February 8, 2006.”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)(A)—

17 (i) in clause (i), by inserting “for one
18 academic year during the student’s first
19 year of enrollment” after “\$750”;

20 (ii) in clause (ii), by inserting “for one
21 academic year during the student’s second
22 year of enrollment” after “\$1,300”; and

23 (iii) in clause (iii)—

24 (I) by inserting “for one aca-
25 demic year” after “\$4,000”; and

1 (II) by striking “subsection
 2 (c)(3)(C).” and inserting “subpara-
 3 graph (C) or (D) of subsection (c)(3),
 4 for each of the 2 years described in
 5 such subparagraphs; or”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by striking “an academic”
 9 and inserting “a”; and

10 (II) by striking “(B), or (C)”
 11 and inserting “(B), (C), or (D)”; and
 12 (ii) in subparagraph (B)—

13 (I) by striking “or” at the end of
 14 clause (ii); and

15 (II) by striking clause (iii) and
 16 inserting the following:

17 “(iii) two academic years under sub-
 18 section (c)(3)(C); or

19 “(iv) two academic years under sub-
 20 section (c)(3)(D).”; and

21 (C) by adding at the end the following new
 22 paragraph:

23 “(3) ADJUSTMENT FOR LESS THAN FULL-TIME
 24 ENROLLMENT.—A grant awarded under this section
 25 to an eligible student who attends an eligible institu-

1 tion on a less than full-time (but at least half-time
 2 or more) basis shall be reduced in the same propor-
 3 tion as would a Federal Pell Grant pursuant to sec-
 4 tion 401(b)(2)(B).”; and

5 (4) in subsection (g), by striking “academic”
 6 and inserting “award”.

7 **SEC. 402. FEDERAL TRIO PROGRAMS.**

8 (a) PROGRAM AUTHORITY; AUTHORIZATION OF AP-
 9 PROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is
 10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by inserting “community-based or-
 14 ganizations with experience in serving dis-
 15 advantaged youth” after “private agencies
 16 and organizations”; and

17 (ii) by striking “in exceptional cir-
 18 cumstances,”;

19 (B) in paragraph (2)—

20 (i) in the matter preceding subpara-
 21 graph (A), by striking “4” and inserting
 22 “5”; and

23 (ii) by amending subparagraph (A) to
 24 read as follows:

1 “(A) to synchronize the awarding of grants
 2 for programs under this chapter, the Secretary
 3 may, under such terms as are consistent with
 4 the purposes of this chapter, provide a one-
 5 time, limited extension of the length of such an
 6 award;”; and

7 (C) by striking paragraph (3) and insert-
 8 ing the following:

9 “(3) MINIMUM GRANTS.—Unless the institution
 10 or agency requests a smaller amount, an individual
 11 grant authorized under this chapter shall be award-
 12 ed in an amount that is not less than \$200,000, ex-
 13 cept that an individual grant authorized under sec-
 14 tion 402G shall be awarded in an amount that is not
 15 less than \$170,000.”;

16 (2) in subsection (c)—

17 (A) in paragraph (2)—

18 (i) by striking “(2) PRIOR EXPERI-
 19 ENCE.—In” and inserting the following:

20 “(2) CONSIDERATIONS.—(A) PRIOR EXPERI-
 21 ENCE.—In”;

22 (ii) by striking “service delivery” and
 23 inserting “high quality service delivery, as
 24 determined under subsection (f),”; and

1 (iii) by adding at the end the fol-
2 lowing new subparagraph:

3 “(B) PARTICIPANT NEED.—In making grants
4 under this chapter, the Secretary shall consider the
5 number, percentages, and needs of eligible partici-
6 pants in the area, college, or school or schools to be
7 served to aid such participants in preparing for, en-
8 rolling in, or succeeding in college, as appropriate to
9 the particular program for which the eligible entity
10 is applying.”;

11 (B) in paragraph (3)(B), by striking “is
12 not required to” and inserting “shall not”;

13 (C) in paragraph (5), by striking “cam-
14 puses” and inserting “different campuses”; and

15 (D) in paragraph (6), by adding at the end
16 the following new sentence: “The Secretary
17 shall require each applicant for funds under the
18 programs authorized by this chapter to identify
19 services to foster care youth (including youth in
20 foster care and youth who have left foster care
21 after reaching age 16) as a permissible service
22 in those programs, and to ensure that such
23 youth receive supportive services, including
24 mentoring, tutoring, and other services provided
25 by those programs.”;

1 (3) in subsection (e)—

2 (A) by striking “(g)(2)” each place it ap-
3 pears and inserting “(h)(4)”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(3) Notwithstanding this subsection and subsection
7 (i)(4), individuals who are homeless or unaccompanied
8 youth as defined in section 725 of the McKinney-Vento
9 Homeless Assistance Act shall be eligible to participate in
10 programs under sections 402B, 402C, 402D, and 402F
11 of this chapter.”;

12 (4) by redesignating subsections (f) and (g) as
13 subsections (g) and (h), respectively;

14 (5) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) OUTCOME CRITERIA.—

17 “(1) USE FOR PRIOR EXPERIENCE DETERMINA-
18 TION.—The Secretary shall use the outcome criteria
19 described in paragraphs (2) and (3) to evaluate the
20 programs provided by a recipient of a grant under
21 this chapter, and the Secretary shall determine an
22 eligible entity’s prior experience of high quality serv-
23 ice delivery, as required under subsection (c)(2),
24 based on the outcome criteria.

1 “(2) DISAGGREGATION OF RELEVANT DATA.—

2 The outcome criteria under this subsection shall be
3 disaggregated by low-income students, first genera-
4 tion college students, and individuals with disabil-
5 ities, in the schools and institutions of higher edu-
6 cation served by the program to be evaluated.

7 “(3) CONTENTS OF OUTCOME CRITERIA.—The
8 outcome criteria under this subsection shall measure,
9 annually and for longer periods, the quality and ef-
10 fectiveness of programs authorized under this chap-
11 ter and shall include the following:

12 “(A) For programs authorized under sec-
13 tion 402B, the extent to which the eligible enti-
14 ty met or exceeded the entity’s objectives estab-
15 lished in the entity’s application for such pro-
16 gram regarding—

17 “(i) the delivery of service to a total
18 number of students served by the program;

19 “(ii) the continued secondary school
20 enrollment of such students;

21 “(iii) the graduation of such students
22 from secondary school;

23 “(iv) the completion by such students
24 of a rigorous secondary school program of
25 study that will make them eligible for pro-

grams such as the Academic Competitive-
ness Grants; and

“(v) the enrollment of such students
in an institution of higher education.

“(B) For programs authorized under sec-
tion 402C, the extent to which the eligible enti-
ty met or exceeded the entity’s objectives for
such program regarding—

“(i) the delivery of service to a total
number of students served by the program,
as agreed upon by the entity and the Sec-
retary for the period;

“(ii) such students’ school perform-
ance, as measured by the grade point aver-
age, or its equivalent;

“(iii) such students’ academic per-
formance, as measured by standardized
tests, including tests required by the stu-
dents’ State;

“(iv) the retention in, and graduation
from, secondary school of such students;

“(v) the completion by such students
of a rigorous secondary school program of
study that will make them eligible for pro-

grams such as the Academic Competitive-
ness Grants; and

“(vi) the enrollment of such students
in an institution of higher education.

“(C) For programs authorized under sec-
tion 402D—

“(i) the extent to which the eligible
entity met or exceeded the entity’s objec-
tives regarding the retention in postsec-
ondary education of the students served by
the program;

“(ii)(I) in the case of an entity that is
an institution of higher education offering
a baccalaureate degree, the extent to which
the percentage of students served by the
program who completed degree programs
met or exceeded the entity’s objectives; or

“(II) in the case of an entity that is
an institution of higher education that does
not offer a baccalaureate degree, the extent
to which the students served by the entity
met or exceeded s objectives regarding—

“(aa) the completion of a degree
or certificate; and

1 “(bb) the transfer to institutions
2 of higher education that offer bacca-
3 laureate degrees;

4 “(iii) the extent to which the entity
5 met or exceeded the entity’s objectives re-
6 garding the delivery of service to a total
7 number of students, as agreed upon by the
8 entity and the Secretary for the period;
9 and

10 “(iv) the extent to which the entity
11 met or exceeded the entity’s objectives re-
12 garding such students remaining in good
13 academic standing.

14 “(D) For programs authorized under sec-
15 tion 402E, the extent to which the entity met
16 or exceeded the entity’s objectives for such pro-
17 gram regarding—

18 “(i) the delivery of service to a total
19 number of students, as agreed upon by the
20 entity and the Secretary for the period;

21 “(ii) the provision of appropriate
22 scholarly and research activities for the
23 students served by the program;

1 “(iii) the acceptance and enrollment
2 of such students in graduate programs;
3 and

4 “(iv) the continued enrollment of such
5 students in graduate study and the attain-
6 ment of doctoral degrees by former pro-
7 gram participants.

8 “(E) For programs authorized under sec-
9 tion 402F, the extent to which the entity met
10 or exceeded the entity’s objectives for such pro-
11 gram regarding—

12 “(i) the enrollment of students with-
13 out a secondary school diploma or its rec-
14 ognized equivalent, who were served by the
15 program, in programs leading to such di-
16 ploma or equivalent;

17 “(ii) the enrollment of secondary
18 school graduates who were served by the
19 program in programs of postsecondary
20 education;

21 “(iii) the delivery of service to a total
22 number of students, as agreed upon by the
23 entity and the Secretary for the period;
24 and

1 “(iv) the provision of assistance to
2 students served by the program in com-
3 pleting financial aid applications and col-
4 lege admission applications.

5 “(4) MEASUREMENT OF PROGRESS.—In order
6 to determine the extent to which an outcome cri-
7 terion described in paragraph (2) or (3) is met or
8 exceeded, the Secretary shall compare the agreed
9 upon target for the criterion, as established in the
10 eligible entity’s application approved for funding by
11 the Secretary, with the results for the criterion,
12 measured as of the last day of the applicable time
13 period for the determination for each outcome cri-
14 teria.

15 “(5) APPEALS.—(A) Upon a determination by
16 the Secretary not to accept an application, or upon
17 a determination by the Secretary through the peer
18 review process as specified in subsection (c)(4) not
19 to fund an application, for any program under this
20 chapter, the Secretary shall allow such applicant to
21 appeal the funding decision. An applicant may sub-
22 mit a written request for reconsideration of the ap-
23 plication, with appropriate documentary evidence, to
24 the Secretary.

1 “(B) For appeals regarding the awarding of
2 points for prior experience of high quality service de-
3 livery or a decision not to read an application or any
4 mishandling of such application, a panel of three
5 Department employees appointed by the Secretary
6 shall review each request for reconsideration. The
7 panel shall review the request for the purpose of
8 identifying any technical errors or administrative
9 problems with the scoring of the application, the
10 awarding of prior experience points, or the handling
11 of the application, including any decision not to read
12 an application. The panel shall make its rec-
13 ommendations to the Secretary in writing.

14 “(C) For appeals regarding scoring decisions by
15 the peer review panel, the Secretary shall refer the
16 application to a second peer review panel.

17 “(D) In each instance, after the Secretary or
18 the Secretary’s designee considers the recommenda-
19 tions of the panel and makes a final decision, the
20 Secretary shall notify each entity requesting recon-
21 sideration under this paragraph regarding the status
22 of their appeal within 90 days after the date the ap-
23 plicant submitted the appeal.”;

24 (6) in subsection (g) (as redesignated by para-
25 graph (4))—

1 (A) in the first sentence, by striking
2 “\$700,000,000 for fiscal year 1999” and all
3 that follows through the period and inserting
4 “\$950,000,000 for fiscal year 2009 and such
5 sums for each of the 4 succeeding fiscal years.”;
6 and

7 (B) by striking the fourth sentence; and
8 (7) in subsection (h) (as redesignated by para-
9 graph (4))—

10 (A) by redesignating paragraphs (1)
11 through (4) as paragraphs (3) through (6), re-
12 spectively;

13 (B) by inserting before paragraph (3) (as
14 redesignated by subparagraph (A)) the fol-
15 lowing:

16 “(1) DIFFERENT CAMPUS.—The term ‘different
17 campus’ means a site of an institution of higher edu-
18 cation that—

19 “(A) is geographically apart from the main
20 campus of the institution;

21 “(B) is permanent in nature; and

22 “(C) offers courses in educational pro-
23 grams leading to a degree, certificate, or other
24 recognized educational credential.

1 “(2) DIFFERENT POPULATION.—The term ‘dif-
 2 ferent population’ means a group of individuals that
 3 an eligible entity desires to serve through an applica-
 4 tion for a grant under this chapter, and that—

5 “(A) is separate and distinct from any
 6 other population that the entity has applied for
 7 a grant under this chapter to serve; or

8 “(B) while sharing some of the same needs
 9 as another population that the eligible entity
 10 has applied for a grant under this chapter to
 11 serve, has distinct needs for specialized serv-
 12 ices.”;

13 (C) in paragraph (5) (as redesignated by
 14 subparagraph (A))—

15 (i) in subparagraph (A)—

16 (I) by striking “, any part of
 17 which occurred after January 31,
 18 1955,”; and

19 (II) by striking “or” after the
 20 semicolon;

21 (ii) in subparagraph (B)—

22 (I) by striking “after January
 23 31, 1955,”; and

24 (II) by striking the period at the
 25 end and inserting a semicolon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) was a member of a reserve component
4 of the Armed forces called to active duty for a
5 period of more than 180 days; or

6 “(D) was a member of a reserve compo-
7 nent of the Armed Forces who served on active
8 duty in support of a contingency operation (as
9 that term is defined in section 101(a)(13) of
10 title 10, United States Code) on or after Sep-
11 tember 11, 2001.”; and

12 (D) in paragraph (6), by striking “sub-
13 paragraph (A) or (B) of paragraph (3)” and in-
14 serting “subparagraph (A), (B), or (C) of para-
15 graph (5)”.

16 (b) TALENT SEARCH.—Section 402B(b)(10) (20
17 U.S.C. 1070a–12(b)(10)) is amended by inserting “,
18 groups of persons from disadvantaged backgrounds that
19 have particular lower educational access or outcomes, or
20 disconnected students” after “limited English pro-
21 ficiency”.

22 (c) UPWARD BOUND.—Section 402C (20 U.S.C.
23 1070a–13) is amended—

1 (1) in subsection (b)(11), by inserting “, includ-
2 ing mathematics and science preparation,” after
3 “special services”;

4 (2) in subsection (b)(12), by inserting “, groups
5 of persons from disadvantaged backgrounds that
6 have particular lower educational access or out-
7 comes, or disconnected students” after “limited
8 English proficiency”; and

9 (3) by adding at the end the following:

10 “(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD
11 BOUND PROGRAM.—Upon enactment of this subsection
12 and except as otherwise expressly provided by amendment
13 to this section, the Secretary shall not continue implement
14 or enforce the absolute priority for Upward Bound Pro-
15 gram published by the Department of Education in the
16 Federal Register on September 22, 2006 (71 Fed. Reg.
17 55447 et seq.). This subsection shall not be applied retro-
18 actively. In implementing this subsection, the Department
19 shall allow the programs and participants chosen in the
20 grant cycle to which the priority applies to continue their
21 grants and participation without a further recompetition.
22 The entities shall not be required to apply the absolute
23 priority conditions or restrictions to future participants.”.

24 (d) STUDENT SUPPORT SERVICES.—Section
25 402D(b)(10) (20 U.S.C. 1070a–14(b)(10)) is amended by

1 inserting “, groups of persons from disadvantaged back-
2 grounds that have particular lower educational access or
3 outcomes, or disconnected students” after “limited
4 English proficiency”.

5 (e) AMENDMENT TO POSTBACCALAUREATE ACHIEVE-
6 MENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–
7 15(c)(2)) is amended by inserting “, including Native Ha-
8 waiians, as defined section 317(b)(3), and Pacific Island-
9 ers” after “graduate education”.

10 (f) EDUCATIONAL OPPORTUNITY CENTERS.—Section
11 402F(b)(10) (20 U.S.C. 1070a–16(b)(10)) is amended by
12 inserting “, groups of persons from disadvantaged back-
13 grounds that have particular lower educational access or
14 outcomes, or disconnected students” after “limited
15 English proficiency”.

16 (g) STAFF DEVELOPMENT ACTIVITIES.—Section
17 402G(b) (20 U.S.C. 1070a–17(b)) is amended by adding
18 at the end the following new paragraph:

19 “(5) Strategies for recruiting and serving hard-
20 to-reach populations, including students of limited
21 English proficiency, groups of persons from dis-
22 advantaged backgrounds that have particular lower
23 educational access or outcomes, disconnected stu-
24 dents, and students with disabilities.”.

1 (h) REPORTS, EVALUATIONS, AND GRANTS FOR
2 PROJECT IMPROVEMENT AND DISSEMINATION.—Section
3 402H (20 U.S.C. 1070a–18) is amended—

4 (1) by striking the section heading and insert-
5 ing “**REPORTS, EVALUATIONS, AND GRANTS**
6 **FOR PROJECT IMPROVEMENT AND DISSEMINA-**
7 **TION.**”;

8 (2) by redesignating subsections (a) through (c)
9 as subsections (b) through (d), respectively;

10 (3) by inserting before subsection (b) (as red-
11 igned by paragraph (2)) the following:

12 “(a) REPORTS TO THE AUTHORIZING COMMIT-
13 TEES.—The Secretary shall submit annually to the au-
14 thorizing committees a report that documents the per-
15 formance of all programs funded under this chapter. The
16 report shall—

17 “(1) be submitted not later than 24 months
18 after the eligible entities receiving funds under this
19 chapter are required to report their performance to
20 the Secretary;

21 “(2) focus on the programs’ performance on the
22 relevant outcome criteria determined under section
23 402A(f)(4);

1 “(3) aggregate individual project performance
2 data on the outcome criteria in order to provide na-
3 tional performance data for each program;

4 “(4) include, when appropriate, descriptive
5 data, multi-year data, and multi-cohort data; and

6 “(5) include comparable data on the perform-
7 ance nationally of low-income students, first-genera-
8 tion students, and students with disabilities.”; and

9 (4) in subsection (b) (as redesignated by para-
10 graph (2)), by striking paragraph (2) and inserting
11 the following:

12 “(2) PRACTICES.—

13 “(A) IN GENERAL.—The evaluations de-
14 scribed in paragraph (1) shall identify institu-
15 tional, community, and program or project
16 practices that are particularly effective in—

17 “(i) enhancing the access of low-in-
18 come individuals and first-generation col-
19 lege students to postsecondary education;

20 “(ii) the preparation of the individuals
21 and students for postsecondary education;
22 and

23 “(iii) fostering the success of the indi-
24 viduals and students in postsecondary edu-
25 cation.

1 “(B) PRIMARY PURPOSE.—Any evaluation
2 conducted under this chapter shall have as its
3 primary purpose the identification of particular
4 practices that further the achievement of the
5 outcome criteria determined under section
6 402A(f)(4).

7 “(C) DISSEMINATION AND USE OF EVAL-
8 UATION FINDINGS.—The Secretary shall dis-
9 seminate to eligible entities and make available
10 to the public the practices identified under sub-
11 paragraph (B). Such practices may be used by
12 eligible entities that receive assistance under
13 this chapter after the dissemination.

14 “(3) RECRUITMENT.—The Secretary shall not
15 require an eligible entity desiring to receive assist-
16 ance under this chapter to recruit students to serve
17 as a control group for purposes of evaluating any
18 program or project assisted under this chapter.

19 “(4) CONSIDERATION.—When designing an
20 evaluation under this subsection, the Secretary shall
21 consider—

22 “(A) the burden placed upon the program
23 participants or the eligible entity; and

24 “(B) approval by the institution’s institu-
25 tional review board.”.

1 **SEC. 403. GEARUP AMENDMENTS.**

2 (a) ELIGIBLE STUDENTS.—Section 404A(a) (20
3 U.S.C. 1070a–21(a)) is amended—

4 (1) in paragraph (1), by inserting “, including
5 students with disabilities,” after “low-income stu-
6 dents”; and

7 (2) in paragraph (2)(A), by inserting “, includ-
8 ing students with disabilities,” after “secondary
9 school students”.

10 (b) AWARD PERIOD; PRIORITY.—Section 404A(b)
11 (20 U.S.C. 1070a–21(b)) is amended by striking para-
12 graph (2) and inserting the following:

13 “(2) AWARD PERIOD.—The Secretary may
14 award a grant under this chapter to an eligible enti-
15 ty described in paragraphs (1) and (2) of subsection
16 (c) for 7 years.

17 “(3) PRIORITY.—In making awards to eligible
18 entities described in subsection (c)(1), the Secretary
19 shall—

20 “(A) give priority to eligible entities that—

21 “(i) on the day before the date of en-
22 actment of the College Opportunity and
23 Affordability Act of 2008, carried out suc-
24 cessful educational opportunity programs
25 under this chapter (as this chapter was in
26 effect on such day); and

“(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

“(B) ensure that students served under this chapter on the day before the date of enactment of the College Opportunity and Affordability Act of 2008 continue to receive assistance through the completion of secondary school.”.

(c) REQUIREMENTS: CONTINUITY OF SERVICES.—

(1) COHORT APPROACH.—Section 404B(g)(1) (20 U.S.C. 1070a–22(g)(1)) is amended—

(A) by striking “and” at the end of subparagraph (A);

(B) in subparagraph (B)—

(i) by inserting “and provide the option of continued services through the student’s first year of attendance at an institution of higher education” after “grade level”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

1 “(C) provide services under this chapter to
2 students who have received services under a
3 previous GEAR UP grant award but have not
4 yet completed the 12th grade.”.

5 (2) EARLY INTERVENTION.—Section 404D (20
6 U.S.C. 1070a–24) is amended—

7 (A) in subsection (a)(1)(B)—

8 (i) by striking “and” at the end of
9 clause (ii);

10 (ii) by striking the period at the end
11 of clause (iii) and inserting “; and”; and

12 (iii) by adding at the end the fol-
13 lowing new clause:

14 “(iv) the transition to college or post-
15 secondary education through continuity of
16 services to support students in and
17 through the first year of attendance at an
18 institution of higher education.”;

19 (B) in subsection (b)(2)(A)—

20 (i) by inserting “and students in the
21 first year of attendance at an institution of
22 higher education” after “grade 12”;

23 (ii) by striking “and” at the end of
24 clause (i);

1 (iii) by striking the period at the end
2 of clause (ii) and inserting “; and”; and

3 (iv) by adding at the end the following
4 new clause:

5 “(iii) may include special programs or
6 tutoring in science, technology, engineer-
7 ing, or mathematics.”; and
8 (C) in subsection (c)—

9 (i) in the matter preceding paragraph
10 (1), by striking “grade 12 who is eligible”
11 and inserting “grade 12, and may consider
12 a student in the first year of attendance at
13 an institution, who is”;

14 (ii) in paragraph (1), by inserting “el-
15 igible” before “to be counted”;

16 (iii) in paragraph (2), by inserting
17 “eligible” before “for free”, and by strik-
18 ing “or”;

19 (iv) in paragraph (3), by inserting “el-
20 igible” before “for assistance”, and by
21 striking the period and inserting “; or”;
22 and

23 (v) by adding at the end the following
24 new paragraph:

25 “(4) a disconnected student.”.

1 (d) FLEXIBILITY IN MEETING MATCHING REQUIRE-
2 MENTS.—Section 404C (20 U.S.C. 1070a–23) is amend-
3 ed—

4 (1) in subsection (b)—

5 (A) in paragraph (1)(A), by inserting “and
6 accrued over the full duration of the grant
7 award period” after “in cash or in kind”;

8 (B) in paragraph (2), by adding at the end
9 the following new sentence: “Eligible entities
10 may request a reduced match percentage at the
11 time of application or by petition subsequent to
12 a grant award, provided that an eligible entity
13 can demonstrate a change in circumstances that
14 was unknown at the time of application.”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(3) ADDITIONAL SPECIAL RULE.—To encour-
18 age eligible entities described in 404A(c) to provide
19 students under this chapter with financial assistance
20 for postsecondary education, each dollar of non-Fed-
21 eral funds obligated under subsection (c)(1) and
22 (c)(2) shall, for purposes of paragraph (1)(A) of this
23 subsection, be treated as 2 dollars.”; and

24 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “paid to
2 students from State, local, institutional, or pri-
3 vate funds under this chapter” and inserting
4 “obligated to students from State, local, institu-
5 tional, or private funds under this chapter, in-
6 cluding pre-existing , non-Federal financial as-
7 sistance programs”;

8 (B) by striking “and” at the end of para-
9 graph (2);

10 (C) by striking the period at the end of
11 paragraph (3) and inserting “; and”; and

12 (D) by adding at the end the following new
13 paragraph:

14 “(4) other resources recognized by the Sec-
15 retary, including equipment and supplies, cash con-
16 tribution from non-Federal sources, transportation
17 expenses, in-kind or discounted program services, in-
18 direct costs, and facility usage.”.

19 (e) EARLY INTERVENTION.—Section 404D (20
20 U.S.C. 1070a–24) is amended—

21 (1) in subsection (b)(2)(A)(ii), by striking “and
22 academic counseling” and inserting “, academic
23 counseling, and financial literacy and economic lit-
24 eracy education or counseling”;

1 (2) in subsection (b)(2), by adding at the end
2 the following new subparagraphs:

3 “(F) Fostering and improving parent and
4 family involvement in elementary and secondary
5 education by promoting the advantages of a col-
6 lege education, and emphasizing academic ad-
7 mission requirements and the need to take col-
8 lege preparation courses, through parent en-
9 gagement and leadership activities.

10 “(G) Engaging entities described in section
11 404A(c)(2)(C) in a collaborative manner to pro-
12 vide matching resources and participate in
13 other activities authorized under this section.

14 “(H) Disseminating information that pro-
15 motes the importance of higher education, ex-
16 plains college preparation and admission re-
17 quirements, and raises awareness of the re-
18 sources and services provided by the eligible en-
19 tities described in section 404A(c) to eligible
20 students, their families, and communities.”; and

21 (3) by adding at the end of subsection (b) the
22 following new paragraph:

23 “(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR
24 STATES.—In meeting the requirements of subsection
25 (a), an eligible entity described in section 404A(c)

1 (1) receiving funds under this chapter may, in addi-
 2 tion to the activities authorized by paragraph (2) of
 3 this subsection, use funds to provide technical assist-
 4 ance to—

5 “(A) middle schools or secondary schools
 6 that are located within the State; or

7 “(B) partnerships described in section
 8 404A(c)(2) that are located within the State.”.

9 (f) SCHOLARSHIP COMPONENT.—Section 404E(b)(2)
 10 (20 U.S.C. 1070a–25) is amended by striking “the max-
 11 imum Federal Pell Grant” and inserting “the minimum
 12 Federal Pell Grant”.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
 14 404H (20 U.S.C. 1070a–31) is amended by striking
 15 “\$200,000,000 for fiscal year 1999 and such sums as may
 16 be necessary for each of the 4 succeeding fiscal years” and
 17 inserting “\$400,000,000 for fiscal year 2009 and such
 18 sums as may be necessary for each of the 4 succeeding
 19 fiscal years”.

20 **SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLAR-**
 21 **SHIPS.**

22 Chapter 3 of subpart 2 of part A of title IV (20
 23 U.S.C. 1070a–31 et seq.) is repealed.

1 **SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPOR-**
 2 **TUNITY GRANTS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 4 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by strik-
 5 ing “\$675,000,000 for fiscal year 1999” and inserting
 6 “\$875,000,000 for fiscal year 2009”.

7 (b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Sec-
 8 tion 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is
 9 amended by striking “\$450” and inserting “\$600”.

10 **SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 415A(b) (20 U.S.C. 1070c(b)) is amended by striking
 13 paragraphs (1) and (2) and inserting the following:

14 “(1) IN GENERAL.—There are authorized to be
 15 appropriated to carry out this subpart \$200,000,000
 16 for fiscal year 2009 and such sums as may be nec-
 17 essary for each of the 4 succeeding fiscal years.

18 “(2) RESERVATION.—For any fiscal year for
 19 which the amount appropriated under paragraph (1)
 20 exceeds \$30,000,000, the excess amount shall be
 21 available to carry out section 415E.”.

22 (b) APPLICATIONS FOR LEVERAGING EDUCATIONAL
 23 ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b)
 24 (20 U.S.C. 1070c–2(b)) is amended—

25 (1) in paragraph (2), by striking “\$5,000” and
 26 inserting “\$12,500”;

1 (2) in paragraph (9), by striking “and” after
2 the semicolon;

3 (3) in paragraph (10), by striking the period at
4 the end and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(11) provides notification to eligible students
7 that such grants are—

8 “(A) Leveraging Educational Assistance
9 Partnership Grants; and

10 “(B) funded by the Federal Government
11 and the State.”.

12 (c) GRANTS FOR ACCESS AND PERSISTENCE.—Sec-
13 tion 415E (20 U.S.C. 1070e–3a) is amended to read as
14 follows:

15 **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

16 “(a) PURPOSE.—It is the purpose of this section to
17 expand college access and increase college persistence by
18 making allotments to States to enable the States to—

19 “(1) expand and enhance partnerships with in-
20 stitutions of higher education, early information and
21 intervention, mentoring, or outreach programs, pri-
22 vate corporations, philanthropic organizations, and
23 other interested parties to carry out activities under
24 this section and to provide coordination and cohesion
25 among Federal, State, and local governmental and

1 private efforts that provide financial assistance to
2 help low-income students attend college;

3 “(2) provide need-based access and persistence
4 grants to eligible low-income students;

5 “(3) provide early notification to low-income
6 students of their eligibility for financial aid; and

7 “(4) encourage increased participation in early
8 information and intervention, mentoring, or outreach
9 programs.

10 “(b) ALLOTMENTS TO STATES.—

11 “(1) IN GENERAL.—

12 “(A) AUTHORIZATION.—From sums re-
13 served under section 415A(b)(2) for each fiscal
14 year, the Secretary shall make an allotment to
15 each State that submits an application for an
16 allotment in accordance with subsection (c) to
17 enable the State to pay the Federal share of the
18 cost of carrying out the activities under sub-
19 section (d).

20 “(B) DETERMINATION OF ALLOTMENT.—

21 In making allotments under subparagraph (A),
22 the Secretary shall consider the following:

23 “(i) CONTINUATION OF AWARD.—If a
24 State continues to meet the specifications
25 established in its application under sub-

1 section (c), the Secretary shall make an al-
2 lotment to such State that is not less than
3 the allotment made to such State for the
4 previous fiscal year.

5 “(ii) PRIORITY.—The Secretary shall
6 give priority in making allotments to
7 States that meet the requirements under
8 paragraph (2)(B)(ii).

9 “(2) FEDERAL SHARE.—

10 “(A) IN GENERAL.—The Federal share of
11 the cost of carrying out the activities under
12 subsection (d) for any fiscal year shall not ex-
13 ceed 66.66 percent.

14 “(B) DIFFERENT PERCENTAGES.—The
15 Federal share under this section shall be deter-
16 mined in accordance with the following:

17 “(i) The Federal share of the cost of
18 carrying out the activities under subsection
19 (d) shall be equal to 57 percent if a State
20 applies for an allotment under this section
21 in partnership with any number of degree-
22 granting institutions of higher education in
23 the State whose combined full-time enroll-
24 ment represents less than a majority of all

1 students attending institutions of higher
2 education in the State, and—

3 “(I) philanthropic organizations
4 that are located in, or that provide
5 funding in, the State; or

6 “(II) private corporations that
7 are located in, or that do business in,
8 the State.

9 “(ii) The Federal share of the cost of
10 carrying out the activities under subsection
11 (d) shall be equal to 66.66 percent if a
12 State applies for an allotment under this
13 section in partnership with any number of
14 degree-granting institutions of higher edu-
15 cation in the State whose combined full-
16 time enrollment represents a majority of
17 all students attending institutions of high-
18 er education in the State, and—

19 “(I) philanthropic organizations
20 that are located in, or that provide
21 funding in, the State; or

22 “(II) private corporations that
23 are located in, or that do business in,
24 the State.

25 “(C) NON-FEDERAL SHARE.—

1 “(i) IN GENERAL.—The non-Federal
2 share under this section may be provided
3 in cash or in kind, fairly evaluated.

4 “(ii) IN KIND CONTRIBUTION.—For
5 the purpose of calculating the non-Federal
6 share under this subparagraph, an in kind
7 contribution is a non-cash contribution
8 that—

9 “(I) has monetary value, such as
10 the provision of—

11 “(aa) room and board; or

12 “(bb) transportation passes;

13 and

14 “(II) helps a student meet the
15 cost of attendance at an institution of
16 higher education.

17 “(iii) EFFECT ON NEEDS ANALYSIS.—
18 For the purpose of calculating a student’s
19 need in accordance with part F, an in kind
20 contribution described in clause (ii) shall
21 not be considered an asset or income of the
22 student or the student’s parent.

23 “(c) APPLICATION FOR ALLOTMENT.—

24 “(1) IN GENERAL.—

1 “(A) SUBMISSION.—A State that desires
2 to receive an allotment under this section shall
3 submit an application to the Secretary at such
4 time, in such manner, and containing such in-
5 formation as the Secretary may require.

6 “(B) CONTENT.—An application submitted
7 under subparagraph (A) shall include the fol-
8 lowing:

9 “(i) A description of the State’s plan
10 for using the allotted funds.

11 “(ii) Assurances that the State will
12 provide matching funds, in cash or in kind,
13 from State, institutional, philanthropic, or
14 private funds, of not less than 33.33 per-
15 cent of the cost of carrying out the activi-
16 ties under subsection (d). The State shall
17 specify the methods by which matching
18 funds will be paid. A State that uses non-
19 Federal funds to create or expand existing
20 partnerships with nonprofit organizations
21 or community-based organizations in which
22 such organizations match State funds for
23 student scholarships, may apply such
24 matching funds from such organizations

1 toward fulfilling the State’s matching obli-
2 gation under this clause.

3 “(iii) Assurances that early informa-
4 tion and intervention, mentoring, or out-
5 reach programs exist within the State or
6 that there is a plan to make such pro-
7 grams widely available.

8 “(iv) A description of the organiza-
9 tional structure that the State has in place
10 to administer the activities under sub-
11 section (d).

12 “(v) A description of the steps the
13 State will take to ensure students who re-
14 ceive grants under this section persist to
15 degree completion.

16 “(vi) Assurances that the State has a
17 method in place, such as acceptance of the
18 automatic zero expected family contribu-
19 tion determination described in section
20 479(c), to identify eligible low-income stu-
21 dents and award State grant aid to such
22 students.

23 “(vii) Assurances that the State will
24 provide notification to eligible low-income

1 students that grants under this section
2 are—

3 “(I) Leveraging Educational As-
4 sistance Partnership Grants; and

5 “(II) funded by the Federal Gov-
6 ernment and the State.

7 “(2) STATE AGENCY.—The State agency that
8 submits an application for a State under section
9 415C(a) shall be the same State agency that sub-
10 mits an application under paragraph (1) for such
11 State.

12 “(3) PARTNERSHIP.—In applying for an allot-
13 ment under this section, the State agency shall apply
14 for the allotment in partnership with—

15 “(A) not less than one public and one pri-
16 vate degree-granting institution of higher edu-
17 cation that are located in the State;

18 “(B) new or existing early information and
19 intervention, mentoring, or outreach programs
20 located in the State; and

21 “(C) not less than one—

22 “(i) philanthropic organization located
23 in, or that provides funding in, the State;
24 or

1 “(ii) private corporation located in, or
2 that does business in, the State.

3 “(4) ROLES OF PARTNERS.—

4 “(A) STATE AGENCY.—A State agency
5 that is in a partnership receiving an allotment
6 under this section—

7 “(i) shall—

8 “(I) serve as the primary admin-
9 istrative unit for the partnership;

10 “(II) provide or coordinate
11 matching funds, and coordinate activi-
12 ties among partners;

13 “(III) encourage each institution
14 of higher education in the State to
15 participate in the partnership;

16 “(IV) make determinations and
17 early notifications of assistance as de-
18 scribed under subsection (d)(2); and

19 “(V) annually report to the Sec-
20 retary on the partnership’s progress
21 in meeting the purpose of this section;
22 and

23 “(ii) may provide early information
24 and intervention, mentoring, or outreach
25 programs.

1 “(B) DEGREE-GRANTING INSTITUTIONS OF
2 HIGHER EDUCATION.—A degree-granting insti-
3 tution of higher education (as defined in section
4 102) that is in a partnership receiving an allot-
5 ment under this section—

6 “(i) shall—

7 “(I) recruit and admit partici-
8 pating qualified students and provide
9 such additional institutional grant aid
10 to participating students as agreed to
11 with the State agency;

12 “(II) provide support services to
13 students who receive an access and
14 persistence grant under this section
15 and are enrolled at such institution;
16 and

17 “(III) assist the State in the
18 identification of eligible students and
19 the dissemination of early notifica-
20 tions of assistance as agreed to with
21 the State agency; and

22 “(ii) may provide funding for early in-
23 formation and intervention, mentoring, or
24 outreach programs or provide such services
25 directly.

1 “(C) PROGRAMS.—An early information
2 and intervention, mentoring, or outreach pro-
3 gram that is in a partnership receiving an allot-
4 ment under this section shall provide direct
5 services, support, and information to partici-
6 pating students.

7 “(D) PHILANTHROPIC ORGANIZATION OR
8 PRIVATE CORPORATION.—A philanthropic orga-
9 nization or private corporation that is in a part-
10 nership receiving an allotment under this sec-
11 tion shall provide funds for access and persist-
12 ence grants for participating students, or pro-
13 vide funds or support for early information and
14 intervention, mentoring, or outreach programs.

15 “(d) AUTHORIZED ACTIVITIES.—

16 “(1) IN GENERAL.—

17 “(A) ESTABLISHMENT OF PARTNER-
18 SHIP.—Each State receiving an allotment under
19 this section shall use the funds to establish a
20 partnership to award access and persistence
21 grants to eligible low-income students in order
22 to increase the amount of financial assistance
23 such students receive under this subpart for un-
24 dergraduate education expenses.

25 “(B) AMOUNT.—

1 “(i) PARTNERSHIPS WITH INSTITU-
2 TIONS SERVING LESS THAN A MAJORITY
3 OF STUDENTS IN THE STATE.—

4 “(I) IN GENERAL.—In the case
5 where a State receiving an allotment
6 under this section is in a partnership
7 described in subsection (b)(2)(B)(i),
8 the amount of an access and persist-
9 ence grant awarded by such State
10 shall be not less than the amount that
11 is equal to the average undergraduate
12 tuition and mandatory fees at 4-year
13 public institutions of higher education
14 in the State where the student resides
15 and such amount shall be used toward
16 the cost of attendance at an institu-
17 tion of higher education, located in
18 the State, that is a partner in the
19 partnership.

20 “(II) COST OF ATTENDANCE.—A
21 State that has a program, apart from
22 the partnership under this section, of
23 providing eligible low-income students
24 with grants that are equal to the aver-
25 age undergraduate tuition and man-

1 datory fees at 4-year public institu-
2 tions of higher education in the State,
3 may increase the amount of access
4 and persistence grants awarded by
5 such State up to an amount that is
6 equal to the average cost of attend-
7 ance at 4-year public institutions of
8 higher education in the State.

9 “(ii) PARTNERSHIP WITH INSTITU-
10 TIONS SERVING THE MAJORITY OF STU-
11 DENTS IN THE STATE.—In the case where
12 a State receiving an allotment under this
13 section is in a partnership described in
14 subsection (b)(2)(B)(ii), the amount of an
15 access and persistence grant awarded by
16 such State shall be not less than the aver-
17 age cost of attendance at 4-year public in-
18 stitutions of higher education in the State
19 where the student resides and such amount
20 shall be used by the student to attend an
21 institution of higher education, located in
22 the State, that is a partner in the partner-
23 ship.

24 “(2) EARLY NOTIFICATION.—

1 “(A) IN GENERAL.—Each State receiving
2 an allotment under this section shall annually
3 notify low-income students (such as students
4 who are eligible to receive a free lunch under
5 the school lunch program established under the
6 Richard B. Russell National School Lunch Act
7 (42 U.S.C. 1751 et seq.)) in grade 7 through
8 grade 12 in the State, and their families, of
9 their potential eligibility for student financial
10 assistance, including an access and persistence
11 grant, to attend an institution of higher edu-
12 cation.

13 “(B) CONTENT OF NOTICE.—The notifica-
14 tion under subparagraph (A)—

15 “(i) shall include—

16 “(I) information about early in-
17 formation and intervention, men-
18 toring, or outreach programs available
19 to the student;

20 “(II) information that a stu-
21 dent’s candidacy for an access and
22 persistence grant is enhanced through
23 participation in an early information
24 and intervention, mentoring, or out-
25 reach program;

1 “(III) an explanation that stu-
2 dent and family eligibility and partici-
3 pation in other Federal means-tested
4 programs may indicate eligibility for
5 an access and persistence grant and
6 other student aid programs;

7 “(IV) a nonbinding estimation of
8 the total amount of financial aid a
9 low-income student with a similar in-
10 come level may expect to receive, in-
11 cluding an estimation of the amount
12 of an access and persistence grant
13 and an estimation of the amount of
14 grants, loans, and all other available
15 types of aid from the major Federal
16 and State financial aid programs;

17 “(V) an explanation that in order
18 to be eligible for an access and per-
19 sistence grant, at a minimum, a stu-
20 dent shall meet the requirement under
21 paragraph (3), graduate from sec-
22 ondary school, and enroll at an insti-
23 tution of higher education that is a
24 partner in the partnership;

1 “(VI) information on any addi-
2 tional requirements (such as a student
3 pledge detailing student responsibil-
4 ities) that the State may impose for
5 receipt of an access and persistence
6 grant under this section; and

7 “(VII) instructions on how to
8 apply for an access and persistence
9 grant and an explanation that a stu-
10 dent is required to file a Free Applica-
11 tion for Federal Student Aid author-
12 ized under section 483(a) to be eligi-
13 ble for such grant and assistance from
14 other Federal and State financial aid
15 programs; and

16 “(ii) may include a disclaimer that ac-
17 cess and persistence grant awards are con-
18 tingent upon—

19 “(I) a determination of the stu-
20 dent’s financial eligibility at the time
21 of the student’s enrollment at an in-
22 stitution of higher education that is a
23 partner in the partnership;

24 “(II) annual Federal and State
25 appropriations; and

1 “(III) other aid received by the
2 student at the time of the student’s
3 enrollment at an institution of higher
4 education that is a partner in the
5 partnership.

6 “(3) ELIGIBILITY.—In determining which stu-
7 dents are eligible to receive access and persistence
8 grants, the State shall ensure that each such student
9 complies with the following subparagraph (A) or
10 (B):

11 “(A) Meets not less than 2 of the following
12 criteria, with priority given to students meeting
13 all of the following criteria:

14 “(i) Has an expected family contribu-
15 tion equal to zero (as described in section
16 479) or a comparable alternative based
17 upon the State’s approved criteria in sec-
18 tion 415C(b)(4).

19 “(ii) Has qualified for a free lunch, or
20 at the State’s discretion a reduced price
21 lunch, under the school lunch program es-
22 tablished under the Richard B. Russell Na-
23 tional School Lunch Act.

1 “(iii) Qualifies for the State’s max-
2 imum undergraduate award, as authorized
3 under section 415C(b).

4 “(iv) Is participating in, or has par-
5 ticipated in, a Federal, State, institutional,
6 or community early information and inter-
7 vention, mentoring, or outreach program,
8 as recognized by the State agency admin-
9 istering activities under this section.

10 “(B) Is receiving, or has received, an ac-
11 cess and persistence grant under this section, in
12 accordance with paragraph (5).

13 “(4) GRANT AWARD.—Once a student, includ-
14 ing a student who has received early notification
15 under paragraph (2) from the State, applies for ad-
16 mission to an institution that is a partner in the
17 partnership, files a Free Application for Federal
18 Student Aid and any related State form, and is de-
19 termined to be eligible by the State under paragraph
20 (3), the State shall—

21 “(A) issue the student a preliminary access
22 and persistence grant award certificate with
23 tentative award amounts; and

24 “(B) inform the student that payment of
25 the access and persistence grant award

1 amounts is subject to certification of enrollment
2 and award eligibility by the institution of higher
3 education.

4 “(5) DURATION OF AWARD.—An eligible stu-
5 dent that receives an access and persistence grant
6 under this section shall receive such grant award for
7 each year of such student’s undergraduate education
8 in which the student remains eligible for assistance
9 under this title, including pursuant to section
10 484(c), and remains financially eligible as deter-
11 mined by the State, except that the State may im-
12 pose reasonable time limits to baccalaureate degree
13 completion.

14 “(e) ADMINISTRATIVE COST ALLOWANCE.—A State
15 that receives an allotment under this section may reserve
16 not more than 3.5 percent of the funds made available
17 annually through the allotment for State administrative
18 functions required to carry out this section.

19 “(f) STATUTORY AND REGULATORY RELIEF FOR IN-
20 STITUTIONS OF HIGHER EDUCATION.—The Secretary
21 may grant, upon the request of an institution of higher
22 education that is in a partnership described in subsection
23 (b)(2)(B)(ii) and that receives an allotment under this sec-
24 tion, a waiver for such institution from statutory or regu-
25 latory requirements that inhibit the ability of the institu-

1 tion to successfully and efficiently participate in the activi-
2 ties of the partnership.

3 “(g) APPLICABILITY RULE.—The provisions of this
4 subpart which are not inconsistent with this section shall
5 apply to the program authorized by this section.

6 “(h) MAINTENANCE OF EFFORT REQUIREMENT.—
7 Each State receiving an allotment under this section for
8 a fiscal year shall provide the Secretary an assurance that
9 the aggregate amount expended per student or the aggre-
10 gate expenditures by the State, from funds derived from
11 non-Federal sources, for the authorized activities de-
12 scribed in subsection (d) for the preceding fiscal year were
13 not less than the amount expended per student or the ag-
14 gregate expenditure by the State for such activities for the
15 second preceding fiscal year.

16 “(i) SPECIAL RULE.—Notwithstanding subsection
17 (h), for purposes of determining a State’s share of the cost
18 of the authorized activities described in subsection (d), the
19 State shall consider only those expenditures from non-
20 Federal sources that exceed its total expenditures for
21 need-based grants, scholarships, and work-study assist-
22 ance for fiscal year 1999 (including any such assistance
23 provided under this subpart).

24 “(j) REPORTS.—Not later than 3 years after the date
25 of enactment of the College Opportunity and Affordability

1 Act of 2008, and annually thereafter, the Secretary shall
2 submit a report describing the activities and the impact
3 of the partnerships under this section to the authorizing
4 committees.”.

5 (d) CONTINUATION AND TRANSITION.—During the
6 2-year period commencing on the date of enactment of this
7 Act, the Secretary shall continue to award grants under
8 section 415E of the Higher Education Act of 1965 (20
9 U.S.C. 1070c–3a), as such section existed on the day be-
10 fore the date of enactment of this Act, to States that
11 choose to apply for grants under such predecessor section.

12 (e) IMPLEMENTATION AND EVALUATION.—Section
13 491(j) (20 U.S.C. 1098(j)) is amended—

14 (1) in paragraph (4), by striking “and” after
15 the semicolon;

16 (2) by redesignating paragraph (5) as para-
17 graph (6); and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) not later than 6 months after the date of
21 enactment of the College Opportunity and Afford-
22 ability Act of 2008, advise the Secretary on means
23 to implement the activities under section 415E, and
24 the Advisory Committee shall continue to monitor,
25 evaluate, and make recommendations on the

1 progress of partnerships that receive allotments
2 under such section; and”.

3 **SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAM-**
4 **ILIES ARE ENGAGED IN MIGRANT AND SEA-**
5 **SONAL FARMWORK.**

6 Section 418A (20 U.S.C. 1070d–2) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)(B)(i), by striking
9 “parents” and inserting “immediate family”;

10 (B) in paragraph (3)(B), by inserting “(in-
11 cluding preparation for college entrance exami-
12 nations)” after “college program”;

13 (C) in paragraph (5), by striking “weekly”;

14 (D) in paragraph (7), by striking “and”
15 after the semicolon;

16 (E) in paragraph (8)—

17 (i) by inserting “(such as transpor-
18 tation and child care)” after “services”;
19 and

20 (ii) by striking the period at the end
21 and inserting “; and”; and

22 (F) by adding at the end the following:

23 “(9) other activities to improve persistence and
24 retention in postsecondary education.”;

25 (2) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “parents” and inserting “immediate fam-
4 ily”; and

5 (ii) in subparagraph (B)—

6 (I) in the matter preceding clause
7 (i), by inserting “to improve place-
8 ment, persistence, and retention in
9 postsecondary education,” after “serv-
10 ices”; and

11 (II) in clause (i), by striking
12 “and career” and inserting “career,
13 and economic education or personal fi-
14 nance”;

15 (iii) in subparagraph (E), by striking
16 “and” after the semicolon;

17 (iv) by redesignating subparagraph
18 (F) as subparagraph (G);

19 (v) by inserting after subparagraph
20 (E) the following:

21 “(F) internships; and”; and

22 (vi) in subparagraph (G) (as redesign-
23 ated by clause (iv)), by striking “support
24 services” and inserting “essential sup-

1 portive services (such as transportation
2 and child care)”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
5 “and” after the semicolon;

6 (ii) in subparagraph (B), by striking
7 the period at the end and inserting “, and
8 coordinating such services, assistance, and
9 aid with other non-program services, as-
10 sistance, and aid, including services, assist-
11 ance, and aid provided by community-
12 based organizations, which may include
13 mentoring and guidance; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(C) for students attending 2-year institutions
17 of higher education, encouraging the students to
18 transfer to 4-year institutions of higher education,
19 where appropriate, and monitoring the rate of trans-
20 fer of such students.”;

21 (3) in subsection (e), by striking “section
22 402A(c)(1)” and inserting “section 402A(c)(2)”;

23 (4) in subsection (f)—

24 (A) in paragraph (1), by striking
25 “\$150,000” and inserting “\$180,000”; and

1 (B) in paragraph (2), by striking
2 “\$150,000” and inserting “\$180,000”;

3 (5) by redesignating subsections (g) and (h) as
4 subsections (h) and (i), respectively;

5 (6) by inserting after subsection (f) the fol-
6 lowing:

7 “(g) RESERVATION AND ALLOCATION OF FUNDS.—
8 From the amounts made available under subsection (i),
9 the Secretary—

10 “(1) may reserve not more than a total of $\frac{1}{2}$
11 of 1 percent for outreach activities, technical assist-
12 ance, and professional development programs relat-
13 ing to the programs under subsection (a); and

14 “(2) shall, in awarding grants from the remain-
15 der of such amounts—

16 “(A) make available not less than 45 per-
17 cent of such remainder for the high school
18 equivalency programs and not less than 45 per-
19 cent of such remainder for the college assist-
20 ance migrant programs;

21 “(B) award the rest of such remainder for
22 either high school equivalency programs or col-
23 lege assistance migrant programs based on the
24 number, quality, and promise of the applica-
25 tions; and

1 “(C) consider the need to provide an equi-
2 table geographic distribution of such grants.”;

3 (7) by striking subsection (h) (as redesignated
4 by paragraph (5)) and inserting the following:

5 “(h) DATA COLLECTION.—The Commissioner for
6 Education Statistics shall—

7 “(1) annually collect data on persons receiving
8 services authorized under this subpart regarding
9 such persons rates of secondary school graduation,
10 entrance into postsecondary education, and comple-
11 tion of postsecondary education;

12 “(2) not less often than once every 2 years, pre-
13 pare and submit to the authorizing committees a re-
14 port based on the most recently available data under
15 paragraph (1) to the authorizing committees; and

16 “(3) make such report available to the public.”;
17 and

18 (8) by striking subsection (i) (as redesignated
19 by paragraph (5)) and inserting the following:

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—For the
21 purpose of making grants and contracts under this sec-
22 tion, there are authorized to be appropriated \$75,000,000
23 for fiscal year 2009 and such sums as may be necessary
24 for the each of the 4 succeeding fiscal years.”.

1 **SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PRO-**
2 **GRAM.**

3 Subpart 6 of part A of title IV is amended to read
4 as follows:

5 **“Subpart 6—Robert C. Byrd American**
6 **Competitiveness Program**

7 **“SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE**
8 **HONORS SCHOLARSHIP PROGRAM.**

9 “(a) PURPOSE.—The purpose of this section is to
10 award scholarships to students who are enrolled in studies
11 leading to baccalaureate and advanced degrees in physical,
12 life, or computer sciences, mathematics, or engineering.

13 “(b) DEFINITIONS.—As used in this section—

14 “(1) the term ‘computer science’ means the
15 branch of knowledge or study of computers, includ-
16 ing such fields of knowledge or study as computer
17 hardware, computer software, computer engineering,
18 information systems, and robotics;

19 “(2) the term ‘eligible student’ means a student
20 who—

21 “(A) is a citizen of the United States;

22 “(B) is selected by the managing agent to
23 receive a scholarship;

24 “(C) is enrolled full-time in an institution
25 of higher education, other than a United States
26 service academy; and

1 “(D) has shown a commitment to and is
2 pursuing a major in studies leading to a bacca-
3 laureate, masters, or doctoral degree (or a com-
4 bination thereof) in physical, life, or computer
5 sciences, mathematics, or engineering;

6 “(3) the term ‘engineering’ means the science
7 by which the properties of matter and the sources of
8 energy in nature are made useful to humanity in
9 structures, machines, and products, as in the con-
10 struction of engines, bridges, buildings, mines, and
11 chemical plants, including such fields of knowledge
12 or study as aeronautical engineering, chemical engi-
13 neering, civil engineering, electrical engineering, in-
14 dustrial engineering, materials engineering, manu-
15 facturing engineering, and mechanical engineering;

16 “(4) the term ‘life sciences’ means the branch
17 of knowledge or study of living things, including
18 such fields of knowledge or study as biology, bio-
19 chemistry, biophysics, microbiology, genetics, physi-
20 ology, botany, zoology, ecology, and behavioral biol-
21 ogy, except that the term does not encompass the
22 health professions;

23 “(5) the term ‘managing agent’ means an enti-
24 ty to which an award is made under subsection (c)

1 to manage a program of Mathematics and Science
2 Honors Scholarships;

3 “(6) the term ‘mathematics’ means the branch
4 of knowledge or study of numbers and the system-
5 atic treatment of magnitude, relationships between
6 figures and forms, and relations between quantities
7 expressed symbolically, including such fields of
8 knowledge or study as statistics, applied mathe-
9 matics, and operations research; and

10 “(7) the term ‘physical sciences’ means the
11 branch of knowledge or study of the material uni-
12 verse, including such fields of knowledge or study as
13 astronomy, atmospheric sciences, chemistry, earth
14 sciences, ocean sciences, physics, and planetary
15 sciences.

16 “(c) AWARD.—

17 “(1)(A) From funds appropriated under section
18 419F to carry out this section, the Secretary is au-
19 thorized, through a grant or cooperative agreement,
20 to make an award to a private, non-profit organiza-
21 tion, other than an institution of higher education or
22 system of institutions of higher education, to man-
23 age, through a public and private partnership, a pro-
24 gram of Mathematics and Science Honors Scholar-
25 ships under this section.

1 “(B) The award under subparagraph (A) shall
2 be for a five-year period.

3 “(2)(A) One hundred percent of the funds
4 awarded under paragraph (1)(A) for any fiscal year
5 shall be obligated and expended solely on scholar-
6 ships to eligible students.

7 “(B) No Federal funds shall be used to provide
8 more than 50 percent of the cost of any scholarship
9 to an eligible student.

10 “(3)(A) The Secretary may establish—

11 “(i) eligibility criteria for applicants for
12 managing agent, including criteria regarding fi-
13 nancial and administrative capability; and

14 “(ii) operational standards for the man-
15 aging agent, including management and per-
16 formance requirements, such as audit, record-
17 keeping, record retention, and reporting proce-
18 dures and requirements.

19 “(B) The Secretary, as necessary, may review
20 and revise any criteria, standards, and rules estab-
21 lished under this paragraph and, through the agree-
22 ment with the managing agent, see that any revi-
23 sions are implemented.

1 “(4) If the managing agent fails to meet the re-
2 quirements of this section the Secretary may termi-
3 nate the award to the managing agent.

4 “(5) The Secretary shall conduct outreach ef-
5 forts to help raise awareness of the Mathematics and
6 Science Honors Scholarships.

7 “(d) DUTIES OF THE MANAGING AGENT.—The man-
8 aging agent shall—

9 “(1) develop criteria to award Mathematics and
10 Science Honors Scholarships based on established
11 measurements available to secondary students who
12 wish to pursue degrees in physical, life, or computer
13 sciences, mathematics, or engineering;

14 “(2) establish a Mathematics and Science Hon-
15 ors Scholarship Fund in a separate, named account
16 that clearly discloses the amount of Federal and
17 non-Federal funds deposited in the account and used
18 for scholarships under this section;

19 “(3) solicit funds for scholarships and for the
20 administration of the program from non-Federal
21 sources;

22 “(4) solicit applicants for scholarships;

23 “(5) from the amounts in the Fund, award
24 scholarships to eligible students and transfer such

1 funds to the institutions of higher education that
2 they attend;

3 “(6) annually submit to the Secretary a finan-
4 cial audit and a report on the progress of the pro-
5 gram, and such other documents as the Secretary
6 may require to determine the effective management
7 of the program; and

8 “(7) shall not develop a criteria that discrimi-
9 nates against a student based on the type of pro-
10 gram in which the student completed his or her sec-
11 ondary education.

12 “(e) APPLICATIONS.—

13 “(1) Any eligible entity that desires to be the
14 managing agent under this section shall submit an
15 application to the Secretary, in such form and con-
16 taining such information, as the Secretary may re-
17 quire.

18 “(2) Each application shall include a descrip-
19 tion of—

20 “(A) how the applicant meets or will meet
21 requirements established under subsections
22 (c)(3)(A) and (d);

23 “(B) how the applicant will solicit funds
24 for scholarships and for the administration of
25 the program from non-Federal sources;

1 “(C) how the applicant will provide nation-
2 wide outreach to inform students about the pro-
3 gram and to encourage students to pursue de-
4 grees in physical, life, or computer sciences,
5 mathematics, or engineering;

6 “(D) how the applicant will solicit applica-
7 tions for scholarships, including how the appli-
8 cant will balance efforts in urban and rural
9 areas;

10 “(E) the selection criteria based on estab-
11 lished measurements available to secondary stu-
12 dents the applicant will use to award scholar-
13 ships and to renew those awards;

14 “(F) how the applicant will inform the in-
15 stitution of higher education chosen by the re-
16 cipient of the name and scholarship amount of
17 the recipient;

18 “(G) what procedures and assurances the
19 applicant and the institution of higher edu-
20 cation that the recipient attends will use to
21 verify student eligibility, attendance, degree
22 progress, and academic performance and to de-
23 liver and account for payments to such institu-
24 tion;

1 “(H) the management (including audit and
2 accounting) procedures the applicant will use
3 for the program;

4 “(I) the human, financial, and other re-
5 sources that the applicant will need and use to
6 manage the program;

7 “(J) how the applicant will evaluate the
8 program and report to the Secretary annually;
9 and

10 “(K) a description of how the entity will
11 coordinate with, complement, and build on simi-
12 lar public and private mathematics and science
13 programs.

14 “(f) SCHOLARSHIP RECIPIENTS.—

15 “(1) A student receiving a scholarship under
16 this section shall be known as a Byrd Mathematics
17 and Science Honors Scholar.

18 “(2) Any student desiring to receive a scholar-
19 ship under this section shall submit an application
20 to the managing agent in such form, and containing
21 such information, as the managing agent may re-
22 quire.

23 “(3) Any student that receives a scholarship
24 under this section shall enter into an agreement with
25 the managing agent to complete 5 consecutive years

1 of service in a full-time position related to the field
2 in which the student obtained his or her under-
3 graduate degree, to begin no later than 12 months
4 following the later of—

5 “(A) the completion of the student’s un-
6 dergraduate degree program; or

7 “(B) the completion of a graduate degree
8 program in a field related to the field in which
9 the student obtained his or her undergraduate
10 degree.

11 “(4) If any student that receives a scholarship
12 under this section fails to earn at least a bacca-
13 laurate degree in physical, life, or computer
14 sciences, mathematics, or engineering as defined
15 under this section, the student shall repay to the
16 managing agent the amount of any financial assist-
17 ance paid to such student.

18 “(5) If any student that receives a scholarship
19 under this section fails to meet the requirements of
20 paragraph (3), the student shall repay to the man-
21 aging agent the amount of any financial assistance
22 paid to such student.

23 “(6)(A) Scholarships shall be awarded for only
24 one academic year of study at a time.

1 “(B)(i) A scholarship shall be renewable on an
2 annual basis for the established length of the aca-
3 demic program if the student awarded the scholar-
4 ship remains eligible.

5 “(ii) The managing agent may condition re-
6 newal of a scholarship on measures of academic
7 progress and achievement, with the approval of the
8 Secretary.

9 “(C)(i) If a student fails to either remain eligi-
10 ble or meet established measures of academic
11 progress and achievement, the managing agent shall
12 instruct the student’s institution of higher education
13 to suspend payment of the student’s scholarship.

14 “(ii) A suspension of payment shall remain in
15 effect until the student is able to demonstrate to the
16 satisfaction of the managing agent that he or she is
17 again eligible and meets the established measures of
18 academic progress and achievement.

19 “(iii) A student’s eligibility for a scholarship
20 shall be terminated if a suspension period exceeds
21 12 months.

22 “(D)(i)(I) A student awarded a scholarship
23 may, in a manner and under the terms established
24 by, and with the approval of, the managing agent,

1 postpone or interrupt his or her enrollment at an in-
2 stitution of higher education for up to 12 months.

3 “(II) Such a postponement or interruption shall
4 not be considered a suspension for purposes of sub-
5 paragraph (C).

6 “(ii) Neither a student nor the student’s insti-
7 tution of higher education shall receive the student’s
8 scholarship payments during the period of postpone-
9 ment or interruption, but such payments shall re-
10 sume upon enrollment or reenrollment.

11 “(iii) In exceptional circumstances, such as seri-
12 ous injury or illness or the necessity to care for fam-
13 ily members, the student’s postponement or inter-
14 ruption may, upon notification and approval of the
15 managing agent, be extended beyond the 12 month
16 period described in clause (i)(I).

17 “(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER
18 EDUCATION.—

19 “(1) The managing agent shall require any in-
20 stitution of higher education that enrolls a student
21 who receives a scholarship under this section to an-
22 nually provide an assurance, prior to making any
23 payment, that the student—

24 “(A) is eligible in accordance with sub-
25 section (b)(2); and

1 “(B) has provided the institution with a
2 written commitment to attend, or is attending,
3 classes and is satisfactorily meeting the institu-
4 tion’s academic criteria for enrollment in its
5 program of study.

6 “(2)(A) The managing agent shall provide the
7 institution of higher education with payments from
8 the Fund for selected recipients in at least two in-
9 stallments.

10 “(B) If a recipient declines a scholarship, does
11 not attend courses, transfers to another institution
12 of higher education, or becomes ineligible for a
13 scholarship, an institution of higher education shall
14 return prorated amounts of any scholarship payment
15 to that recipient to the managing agent, who shall
16 deposit it in to the Fund.

17 **“SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PRO-**
18 **GRAM.**

19 “(a) PROGRAM.—

20 “(1) IN GENERAL.—The Secretary is authorized
21 to carry out a program of assuming the obligation
22 to pay, pursuant to the provisions of this section, the
23 interest on a loan made, insured, or guaranteed
24 under part B or D of this title.

1 “(2) ELIGIBILITY.—The Secretary may assume
2 interest payments under paragraph (1) only for a
3 borrower who—

4 “(A) has submitted an application in com-
5 pliance with subsection (d);

6 “(B) obtained one or more loans described
7 in paragraph (1) as an undergraduate student;

8 “(C) is a new borrower (within the mean-
9 ing of section 103(7) of this Act) on or after
10 the date of enactment of the College Oppor-
11 tunity and Affordability Act of 2008;

12 “(D) is a highly qualified teacher (as de-
13 fined in section 9101 of the Elementary and
14 Secondary Education Act of 1965) of science,
15 technology, engineering or mathematics at an
16 elementary or secondary school in a high need
17 local educational agency, or is a mathematics,
18 science, or engineering professional; and

19 “(E) enters into an agreement with the
20 Secretary to complete 5 consecutive years of
21 service in a position described in subparagraph
22 (D), starting on the date of the agreement.

23 “(3) PRIOR INTEREST LIMITATIONS.—The Sec-
24 retary shall not make any payments for interest
25 that—

1 “(A) accrues prior to the beginning of the
2 repayment period on a loan in the case of a
3 loan made under section 428H or a Federal Di-
4 rect Unsubsidized Stafford Loan; or

5 “(B) has accrued prior to the signing of an
6 agreement under paragraph (2)(E).

7 “(4) INITIAL SELECTION.—In selecting partici-
8 pants for the program under this section, the Sec-
9 retary—

10 “(A) shall choose among eligible applicants
11 on the basis of—

12 “(i) the national security, homeland
13 security, and economic security needs of
14 the United States, as determined by the
15 Secretary, in consultation with other Fed-
16 eral agencies, including the Departments
17 of Labor, Defense, Homeland Security,
18 Commerce, and Energy, the Central Intel-
19 ligence Agency, and the National Science
20 Foundation; and

21 “(ii) the academic record or job per-
22 formance of the applicant; and

23 “(B) may choose among eligible applicants
24 on the basis of—

1 “(i) the likelihood of the applicant to
2 complete the 5-year service obligation;

3 “(ii) the likelihood of the applicant to
4 remain in science, mathematics, or engi-
5 neering after the completion of the service
6 requirement; or

7 “(iii) other relevant criteria deter-
8 mined by the Secretary.

9 “(5) AVAILABILITY SUBJECT TO APPROPRIA-
10 TIONS.—Loan interest payments under this section
11 shall be subject to the availability of appropriations.
12 If the amount appropriated for any fiscal year is not
13 sufficient to provide interest payments on behalf of
14 all qualified applicants, the Secretary shall give pri-
15 ority to those individuals on whose behalf interest
16 payments were made during the preceding fiscal
17 year.

18 “(6) REGULATIONS.—The Secretary is author-
19 ized to prescribe such regulations as may be nec-
20 essary to carry out the provisions of this section.

21 “(b) DURATION AND AMOUNT OF INTEREST PAY-
22 MENTS.—The period during which the Secretary shall pay
23 interest on behalf of a student borrower who is selected
24 under subsection (a) is the period that begins on the effec-
25 tive date of the agreement under subsection (a)(2)(E),

1 continues after successful completion of the service obliga-
2 tion, and ends on the earlier of—

3 “(1) the completion of the repayment period of
4 the loan;

5 “(2) payment by the Secretary of a total of
6 \$5,000 on behalf of the borrower;

7 “(3) if the borrower ceases to fulfill the service
8 obligation under such agreement prior to the end of
9 the 5-year period, as soon as the borrower is deter-
10 mined to have ceased to fulfill such obligation in ac-
11 cordance with regulations of the Secretary; or

12 “(4) 6 months after the end of any calendar
13 year in which the borrower’s gross income equals or
14 exceeds 4 times the national per capita disposable
15 personal income (current dollars) for such calendar
16 year, as determined on the basis of the National In-
17 come and Product Accounts Tables of the Bureau of
18 Economic Analysis of the Department of Commerce,
19 as determined in accordance with regulations pre-
20 scribed by the Secretary.

21 “(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject
22 to the regulations prescribed by the Secretary by regula-
23 tion under subsection (a)(6), the Secretary shall pay to
24 each eligible lender or holder for each payment period the

1 amount of the interest that accrues on a loan of a student
2 borrower who is selected under subsection (a).

3 “(d) APPLICATION FOR REPAYMENT.—

4 “(1) IN GENERAL.—Each eligible individual de-
5 siring loan interest payment under this section shall
6 submit a complete and accurate application to the
7 Secretary at such time, in such manner, and con-
8 taining such information as the Secretary may re-
9 quire.

10 “(2) FAILURE TO COMPLETE SERVICE AGREE-
11 MENT.—Such application shall contain an agreement
12 by the individual that, if the individual fails to com-
13 plete the 5 consecutive years of service required by
14 subsection (a)(2)(E), the individual agrees to repay
15 the Secretary the amount of any interest paid by the
16 Secretary on behalf of the individual.

17 “(e) TREATMENT OF CONSOLIDATION LOANS.—A
18 consolidation loan made under section 428C of this Act,
19 or a Federal Direct Consolidation Loan made under part
20 D of title IV of this Act, may be a qualified loan for the
21 purpose of this section only to the extent that such loan
22 amount was used by a borrower who otherwise meets the
23 requirements of this section to repay—

24 “(1) a loan made under section 428 or 428H
25 of this Act; or

1 “(2) a Federal Direct Stafford Loan, or a Fed-
2 eral Direct Unsubsidized Stafford Loan, made under
3 part D of title IV of this Act.

4 “(f) PREVENTION OF DOUBLE BENEFITS.—No bor-
5 rower may, for the same service, receive a benefit under
6 both this section and—

7 “(1) any loan forgiveness program under title
8 IV of this Act; or

9 “(2) subtitle D of title I of the National and
10 Community Service Act of 1990 (42 U.S.C. 12601
11 et seq.).

12 “(g) DEFINITIONS.—As used in this section—

13 “(1) the term ‘high need local educational agen-
14 cy’ has the same meaning given such term in section
15 200; and

16 “(2) the term ‘mathematics, science, or engi-
17 neering professional’ means a person who—

18 “(A) holds a baccalaureate, masters, or
19 doctoral degree (or a combination thereof) in
20 science, mathematics, or engineering; and

21 “(B) works in a field the Secretary deter-
22 mines is closely related to that degree, which
23 shall include working as a professor at a two-
24 or four-year institution of higher education.

1 **“SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.**

2 “(a) PURPOSE.—The purpose of this section is to in-
3 crease the number of highly qualified teachers in, and the
4 number of United States’ students who achieve the highest
5 level of proficiency in, foreign languages critical to the se-
6 curity and competitiveness of the Nation.

7 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
8 thorized to award grants to institutions of higher edu-
9 cation, in partnership with one or more local educational
10 agencies, to establish teacher preparation programs in
11 critical foreign languages, and activities that will enable
12 successful students to advance from elementary school
13 through college to achieve proficiency in those languages.

14 “(c) APPLICATIONS.—

15 “(1) APPLICATION REQUIRED.—Any institution
16 of higher education that desires to receive a grant
17 under this section shall submit an application to the
18 Secretary at such time, in such manner, and con-
19 taining such information as the Secretary may re-
20 quire.

21 “(2) CONTENTS.—Each Application shall—

22 “(A) identify each local educational agency
23 partner and describe each such partner’s re-
24 sponsibilities (including how they will be in-
25 volved in planning and implementing the pro-
26 gram, what resources they will provide, and how

1 they will ensure continuity of student progress
2 from elementary school to the postsecondary
3 level); and

4 “(B) describe how the applicant will sup-
5 port and continue the program after the grant
6 has expired, including how it will seek support
7 from other sources, such as State and local gov-
8 ernment, foundations, and the private sector.

9 “(d) USES OF FUNDS.—Funds awarded under this
10 section shall be used to develop and implement programs
11 consistent with the purpose of this section by carrying out
12 one or more of the following activities:

13 “(1) To recruit highly qualified teachers in crit-
14 ical foreign languages and professional development
15 activities for such teachers at the elementary
16 through high school level.

17 “(2) To provide innovative opportunities for
18 students that will allow for critical language learn-
19 ing, such as immersion environments, intensive
20 study opportunities, internships, and distance learn-
21 ing.

22 “(e) MATCHING REQUIREMENT.—Each grantee
23 under this section shall provide, from non-Federal sources,
24 an amount equal to 100 percent of the amount of the

1 grant (in cash or in kind) to carry out the activities sup-
2 ported by the grant.

3 “(f) EVALUATION.—The Secretary shall evaluate the
4 activities funded under this section and report the results
5 of the evaluation to the appropriate Committees of Con-
6 gress.

7 “(g) REPORT ON BEST PRACTICES.—Within one year
8 after the date of enactment of this section, the Secretary
9 shall—

10 “(1) conduct a study to identify the best prac-
11 tices to strengthen the role of institutions that re-
12 ceive funding under title III or title V in increasing
13 America’s critical foreign language education efforts;
14 and

15 “(2) submit a report on the results of such
16 study to the authorizing committees.

17 **“SEC. 419D. ADJUNCT TEACHER CORPS.**

18 “(a) PURPOSE.—The purpose of this section is to cre-
19 ate opportunities for individuals with subject matter ex-
20 pertise in mathematics, science, and critical foreign lan-
21 guages to provide such subject matter expertise to sec-
22 ondary school students on an adjunct basis.

23 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
24 thorized to award grants to eligible entities to identify, re-
25 cruit, and train individuals with subject matter expertise

1 in mathematics, science, and critical foreign languages to
2 serve as adjunct content specialists.

3 “(c) DURATION OF GRANTS.—The Secretary may
4 award grants under this section for a period of not more
5 than 5 years.

6 “(d) ELIGIBLE ENTITY.—For the purpose of this sec-
7 tion, an eligible entity is—

8 “(1) a local educational agency; or

9 “(2) a partnership consisting of a local edu-
10 cational agency, serving as a fiscal agent, and a pub-
11 lic or private educational organization or business.

12 “(e) USES OF FUNDS.—An eligible entity that re-
13 ceives a grant under this section is authorized to use such
14 grant to carry out one or both of the following activities:

15 “(1) To develop the capacity of the eligible enti-
16 ty to identify, recruit, and train individuals with
17 subject matter expertise in mathematics, science,
18 and critical foreign languages who are not employed
19 in the elementary and secondary education system
20 (including individuals in business and government,
21 and individuals who would participate through dis-
22 tance-learning arrangements) to become adjunct
23 content specialists.

1 “(2) To provide pre-service training and on-
2 going professional development to adjunct content
3 specialists.

4 “(f) APPLICATIONS.—

5 “(1) APPLICATION REQUIRED.—To be consid-
6 ered for a grant under this section, an eligible entity
7 shall submit an application to the Secretary at such
8 time, in such manner, and containing such informa-
9 tion as the Secretary requires.

10 “(2) CONTENTS.—Such application shall in-
11 clude a description of—

12 “(A) the need for, and expected benefits of
13 using, adjunct content specialists in the schools
14 of the local educational agency, which may in-
15 clude information on the difficulty the local
16 educational agency faces in recruiting qualified
17 faculty in mathematics, science, and critical for-
18 eign language courses;

19 “(B) measurable objectives for the activi-
20 ties supported by the grant, including the num-
21 ber of adjunct content specialists the eligible
22 entity intends to place in schools and class-
23 rooms, and the gains in academic achievement
24 expected as a result of the addition of such spe-
25 cialists;

1 “(C) how the eligible entity will establish
2 criteria for and recruit the most qualified indi-
3 viduals and public or private organizations and
4 businesses to participate in the activities sup-
5 ported by the grant;

6 “(D) how the eligible entity will provide
7 pre-service training and on-going professional
8 development to adjunct content specialists to
9 ensure that such specialists have the capacity to
10 serve effectively;

11 “(E) how the eligible entity will use funds
12 received under this section, including how the
13 eligible entity will evaluate the success of the
14 activities supported by the grant;

15 “(F) how the eligible entity will support
16 and continue the activities supported by the
17 grant after the grant has expired, including how
18 such entity will seek support from other
19 sources, such as State and local government
20 and the private sector; and

21 “(G) an assurance that the use of adjunct
22 content specialists will not result in the dis-
23 placement or transfer of currently employed
24 teachers nor a reduction in the number of over-
25 all teachers in the district.

1 “(g) PRIORITIES.—In awarding grants under this
2 section, the Secretary shall give priority to eligible entities
3 that demonstrate in the application for such a grant a plan
4 to—

5 “(1) serve the schools of the local educational
6 agency that have a large number or percentage of
7 students performing below grade level in mathe-
8 matics, science, or critical foreign language courses;

9 “(2) serve local educational agencies that have
10 a large number or percentage of students from fami-
11 lies with incomes below the poverty line (as such
12 term is defined in section 200); and

13 “(3) recruit and train individuals to serve as
14 adjunct content specialists in schools that have an
15 insufficient number of teachers in mathematics,
16 science, or critical foreign languages.

17 “(h) MATCHING REQUIREMENT.—Each eligible enti-
18 ty that receives a grant under this section shall provide,
19 from non-Federal sources, an amount equal to 100 percent
20 of the amount of such grant (in cash or in kind) to carry
21 out the activities supported by such grant.

22 “(i) PERFORMANCE REPORT.—Each eligible entity
23 receiving a grant under this section shall prepare and sub-
24 mit to the Secretary a final report on the results of the
25 activities supported by such grant, which shall contain

1 such information as the Secretary may require, including
2 any improvements in student academic achievement as a
3 result of the use of adjunct content specialists.

4 “(j) EVALUATION.—The Secretary shall evaluate the
5 activities supported by grants under this section, including
6 the impact of such activities on student academic achieve-
7 ment, and shall report the results of such evaluation to
8 the authorizing committees.

9 “(k) DEFINITION.—In this section the term ‘adjunct
10 content specialist’ means an individual who—

11 “(1) meets the requirements of section
12 9101(23)(B)(ii) of the Elementary and Secondary
13 Education Act of 1965;

14 “(2) has demonstrated expertise in mathe-
15 matics, science, or a critical foreign language, as de-
16 termined by the local educational agency; and

17 “(3) may not be the primary provider of in-
18 structional services to a student unless the adjunct
19 content specialist is under the direct supervision of
20 a teacher who meets the requirements of Section
21 9101(23) of such Act.

22 **“SEC. 419E. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this subpart \$50,000,000 for fiscal year 2009 and such

1 sums as may be necessary for each of the 4 succeeding
2 fiscal years.”.

3 **SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN**
4 **SCHOOL.**

5 (a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20
6 U.S.C. 1070e(b)(2)(B)) is amended by striking “\$10,000”
7 and inserting “\$30,000”.

8 (b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) is
9 amended by striking “\$350,000” and inserting
10 “\$250,000”.

11 (c) INCOME ELIGIBILITY.—Section 419N(b)(7) is
12 amended by striking “who is eligible to receive” and in-
13 serting “whose income qualifies for eligibility for”.

14 (d) PUBLICITY.—Section 419N(b) is further amend-
15 ed by adding at the end the following new paragraph:

16 “(8) PUBLICITY.—The Secretary shall publicize
17 the availability of grants under this section in appro-
18 priate periodicals in addition to publication in the
19 Federal Register, and shall inform appropriate edu-
20 cational organizations of such availability.”.

21 (e) REPORTING REQUIREMENTS.—Section 419N(e)
22 is amended—

23 (1) in paragraph (1)(A), by striking “18
24 months,” and all that follows through the end there-
25 of and inserting “annually.”; and

1 (2) in paragraph (2)—

2 (A) by striking “the third annual grant
3 payment” and inserting “continuation awards”;
4 and

5 (B) by striking “the 18-month report” and
6 inserting “the reports”.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
8 419N(g) (20 U.S.C. 1070e(g)) is amended by striking
9 “\$45,000,000 for fiscal year 1999” and all that follows
10 through the period and inserting “such sums as may be
11 necessary for fiscal year 2009 and each of the 4 suc-
12 ceeding fiscal years.”.

13 **SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

14 Subpart 8 of part A of title IV (20 U.S.C. 1070f et
15 seq.) is repealed.

16 **SEC. 411. TEACH GRANTS.**

17 Subpart 9 of part A of title IV is amended—

18 (1) in section 420L(1)(B), by striking “sound”
19 and inserting “responsible”;

20 (2) in section 420M—

21 (A) by striking “academic year” each place
22 it appears in subsections (a)(1) and (c)(1) and
23 inserting “year”; and

24 (B) in subsection (c)(2)—

1 (i) by striking “other student assist-
2 ance” and inserting “other assistance the
3 student may receive”; and

4 (ii) by striking the second sentence;

5 (3) in section 420N—

6 (A) in subsection (b)—

7 (i) in paragraph (1)(E), by striking
8 “and” after the semicolon;

9 (ii) in paragraph (2), by striking the
10 period at the end and inserting “; and”;
11 and

12 (iii) by adding at the end the fol-
13 lowing new paragraph:

14 “(3) contains, or is accompanied by, a plain-
15 language disclosure form developed by the Secretary
16 that clearly describes the nature of the TEACH
17 Grant award, the service obligation, and the loan re-
18 payment requirements that are the consequence of
19 the failure to complete the service obligation.”; and

20 (B) by adding at the end the following new
21 subsection:

22 “(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

23 “(1) CHANGE OF HIGH-NEED DESIGNATION.—

24 In the event that a recipient of an initial grant
25 under this subpart has acquired an academic degree,

1 or expertise, in a field that was, at the time of the
 2 recipient's application for that grant, designated as
 3 high-need in accordance with subsection
 4 (b)(1)(C)(vii), but is no longer so designated, the
 5 grant recipient may fulfill the service obligation de-
 6 scribed in subsection (b)(1) by teaching in that field.

7 “(2) EXTENUATING CIRCUMSTANCES.—The
 8 Secretary shall establish, by regulation, categories of
 9 extenuating circumstances under which a recipient
 10 of a grant under this subpart who is unable to fulfill
 11 all or part of his or her service obligation may be ex-
 12 cused from fulfilling that portion of the service obli-
 13 gation.”; and

14 (4) by adding at the end the following new sec-
 15 tion:

16 **“SEC. 420P. PROGRAM EVALUATION.**

17 “The Secretary shall evaluate the effectiveness of
 18 TEACH grants with respect to the schools and students
 19 served by recipients of such grants.”.

20 **PART B—FEDERAL FAMILY EDUCATION LOANS**

21 **SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED**

22 **BY FEDERAL INSURANCE.**

23 Section 424(a) (20 U.S.C. 1074(a)) is amended—

24 (1) by striking “2012” and inserting “2013”;
 25 and

1 (2) by striking “2016” and inserting “2017”.

2 **SEC. 422. FEDERAL INTEREST SUBSIDIES.**

3 Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amend-
4 ed—

5 (1) by striking “2012” and inserting “2013”;
6 and

7 (2) by striking “2016” and inserting “2017”.

8 **SEC. 423. STUDENT LOAN INFORMATION.**

9 Section 428(k) (20 U.S.C. 1078(k)) is amended by
10 adding at the end the following new paragraph:

11 “(4) STUDENT LOAN INFORMATION.—

12 “(A) Notwithstanding any other provision
13 of law or regulation, if requested by an institu-
14 tion of higher education or a third party
15 servicer (as defined in section 481(c)) working
16 on behalf of such institution to prevent student
17 loan defaults for borrowers who currently at-
18 tend or previously attended such institution, a
19 lender, secondary market, holder, or guaranty
20 agency shall provide, free of charge and in a
21 timely and effective manner, any student loan
22 information pertaining to loans made under this
23 title, as determined by the Secretary, to such
24 borrowers maintained by that entity, provided
25 that the information requested is for a borrower

1 who currently attends or previously attended
2 such institution.

3 “(B) An institution and any third party
4 servicer obtaining access to information under
5 subparagraph (A), including any subcontractor
6 obtaining access to information under subpara-
7 graph (C)(iii), shall safeguard that informa-
8 tion—

9 “(i) as required by any law applicable
10 to the institution, third party servicer, or
11 subcontractor; and

12 “(ii) at least to the same extent that
13 the disclosing financial institution is re-
14 quired to safeguard its customer informa-
15 tion under sections 501 and 505(b) of the
16 Gramm-Leach-Bliley Act (15 U.S.C. 6801,
17 6805(b)).

18 “(C) Any third party servicer that obtains
19 information under this paragraph—

20 “(i) shall only use the information in
21 a manner directly related to the default
22 prevention work the servicer is performing
23 on behalf of the institution of higher edu-
24 cation;

1 “(ii) shall not sell the information to
2 other entities;

3 “(iii) shall not share the information
4 with, or transfer the information to, enti-
5 ties other than the borrower, a subcon-
6 tractor of the third party servicer for pur-
7 poses of skip tracing, or the institution of
8 higher education referenced in subpara-
9 graph (A); and

10 “(iv) shall be subject to any regula-
11 tions established by the Secretary pursuant
12 to section 432 concerning the misuse of
13 such information, including any penalties
14 for such misuse.

15 “(D) Any requirement under subparagraph
16 (A) to provide student loan information shall be
17 considered an applicable legal requirement for
18 the purposes of section 502(e)(8) of the
19 Gramm-Leach-Bliley Act (15 U.S.C.
20 6802(e)(8)).

21 “(E) Any subcontractor obtaining access to
22 information under subparagraph (C)(iii) shall
23 meet the same restrictions that apply to third
24 party servicers under subparagraph (C).”.

1 **SEC. 424. VOLUNTARY FLEXIBLE AGREEMENTS.**

2 Section 428A(a) (20 U.S.C. 1078–1(a)) is amended
3 by adding at the end the following new paragraph:

4 “(3) REPORT REQUIRED.—The Secretary, in
5 consultation with the guaranty agencies partici-
6 pating under voluntary flexible agreements, shall re-
7 port on an annual basis to the authorizing commit-
8 tees regarding the program outcomes that the vol-
9 untary flexible agreements have had with respect to
10 program integrity, program and cost efficiencies, de-
11 linquency prevention, default aversion, and consumer
12 education programs described in section 433A, and
13 the availability and delivery of student financial aid.
14 Such report shall include—

15 “(A) a description of each voluntary flexi-
16 ble agreement and the performance goals estab-
17 lished by the Secretary for each agreement;

18 “(B) a list of participating guaranty agen-
19 cies and the specific statutory or regulatory
20 waivers provided to each guaranty agency and
21 any waivers provided to other guaranty agencies
22 under paragraph (2);

23 “(C) a description of the standards by
24 which each agency’s performance under the
25 agency’s voluntary flexible agreement was as-

1 sessed and the degree to which each agency
2 achieved the performance standards;

3 “(D) an analysis of the fees paid by the
4 Secretary, and the costs and efficiencies
5 achieved under each voluntary flexible agree-
6 ment; and

7 “(E) an identification of promising prac-
8 tices for program improvement that could be
9 replicated by other guaranty agencies.”.

10 **SEC. 425. GRACE PERIOD FOR GRADUATE AND PROFES-**
11 **SIONAL STUDENT PLUS LOANS.**

12 (a) AMENDMENT.—Section 428B(d) (20 U.S.C.
13 1078–2(d)) is amended by amending paragraphs (1) and
14 (2) to read as follows:

15 “(1) COMMENCEMENT OF REPAYMENT.—Re-
16 payment of principal on loans made under this sec-
17 tion shall—

18 “(A) commence not later than—

19 “(i) in the case of a parent borrower,
20 60 days after the date such loan is dis-
21 bursed by the lender; and

22 “(ii) in the case of a graduate or pro-
23 fessional student borrower, commence at
24 the beginning of a repayment period that
25 begins the day after 6 months after the

1 date the student ceases to carry at least
2 one-half the normal full-time academic
3 workload (as determined by the institu-
4 tion); and

5 “(B) be subject to deferral during any pe-
6 riod during which the graduate or professional
7 student or the parent meets the conditions re-
8 quired for a deferral under section 427(a)(2)(C)
9 or 428(b)(1)(M).

10 “(2) CAPITALIZATION OF INTEREST.—

11 “(A) IN GENERAL.—Interest on loans
12 made under this section—

13 “(i) which accrues prior to the begin-
14 ning of repayment under paragraph
15 (1)(A)(i), shall be added to the principal
16 amount of the loan; and

17 “(ii) which accrues during a period in
18 which payments of principal are deferred
19 pursuant to paragraph (1)(B) shall, if
20 agreed upon by the borrower and the lend-
21 er—

22 “(I)(aa) be paid monthly or quar-
23 terly; or

1 “(bb) be added to the principal
2 amount of the loan not more fre-
3 quently than quarterly by the lender.

4 “(B) INSURABLE LIMITS.—Capitalization
5 of interest under this paragraph shall not be
6 deemed to exceed the annual insurable limit on
7 account of the borrower.”.

8 (b) CONFORMING AMENDMENT.—Section
9 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by
10 striking “, 428B,”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall be effective for loans issued on or after
13 July 1, 2008.

14 **SEC. 426. CONSOLIDATION LOAN DISCLOSURE.**

15 Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is
16 amended—

17 (1) by redesignating subparagraphs (E) and
18 (F) as subparagraphs (F) and (G), respectively; and

19 (2) by inserting after subparagraph (D) the fol-
20 lowing new subparagraph:

21 “(E) that the lender will disclose, in a
22 clear and conspicuous manner, to borrowers
23 who seek to consolidate loans made under part
24 E of this title—

1 “(i) that once the borrower adds a
2 Federal Perkins Loan to a Federal Con-
3 solidation Loan, the borrower will lose all
4 interest-free periods that would have been
5 available, such as those when no interest
6 accrues on the Federal Perkins Loan while
7 the borrower is enrolled in school at least
8 half-time, during the grace period, and
9 during periods when the borrower’s stu-
10 dent loan repayments are deferred;

11 “(ii) that the borrower will no longer
12 be eligible for loan cancellation of Federal
13 Perkins Loans under any provision of sec-
14 tion 465; and

15 “(iii) in detail the occupations listed
16 in section 465 for which the borrower will
17 lose eligibility for Federal Perkins Loan
18 cancellation;”.

19 **SEC. 427. EXTENSION OF CONSOLIDATION LOAN AUTHOR-**
20 **ITY.**

21 Section 428C(e) (20 U.S.C. 1078–3(e)) is amended
22 by striking “2012” and inserting “2013”.

1 **SEC. 428. REQUIREMENTS FOR DISBURSEMENT OF STU-**
2 **DENT LOANS.**

3 (a) SPECIAL RULE.—Section 428G(a) (20 U.S.C.
4 1078–7(a)) is amended by adding at the end the following
5 new paragraph:

6 “(4) AMENDMENT TO SPECIAL RULE.—Begin-
7 ning on October 1, 2011, the special rule under
8 paragraph (3) shall be applied by substituting ‘15
9 percent’ for ‘10 percent’.”.

10 (b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST
11 YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078–
12 7(b)) is amended by adding at the end the following new
13 paragraph:

14 “(3) AMENDMENT TO COHORT DEFAULT RATE
15 EXEMPTION.—Beginning on October 1, 2011, the
16 exemption to the requirements of paragraph (1) in
17 the second sentence of such paragraph shall be ap-
18 plied by substituting ‘15 percent’ for ‘10 percent’.”.

19 **SEC. 429. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**
20 **NATIONAL NEED.**

21 Section 428K (20 U.S.C. 1078–11) is amended to
22 read as follows:

23 **“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF**
24 **NATIONAL NEED.**

25 “(a) PROGRAM AUTHORIZED.—

1 “(1) LOAN FORGIVENESS AUTHORIZED.—The
2 Secretary shall forgive, in accordance with this sec-
3 tion, the student loan obligation of a borrower in the
4 amount specified in subsection (c) who—

5 “(A) is employed full-time in an area of
6 national need described in subsection (b); and

7 “(B) is not in default on a loan for which
8 the borrower seeks forgiveness.

9 “(2) METHOD OF LOAN FORGIVENESS.—To
10 provide loan forgiveness under paragraph (1), the
11 Secretary is authorized to carry out a program—

12 “(A) through the holder of the loan, to as-
13 sume the obligation to repay a qualified loan
14 amount for a loan made, insured, or guaranteed
15 under this part (other than an excepted PLUS
16 loan (as such term is defined in section
17 493C(a))); and

18 “(B) to cancel a qualified loan amount for
19 a loan made under part D of this title (other
20 than such an excepted PLUS loan).

21 “(3) REGULATIONS.—The Secretary is author-
22 ized to issue such regulations as may be necessary
23 to carry out the provisions of this section.

24 “(b) AREAS OF NATIONAL NEED.—For purposes of
25 this section, an individual shall be treated as employed in

1 an area of national need if the individual is employed full-
2 time as any of the following:

3 “(1) EARLY CHILDHOOD EDUCATORS.—An in-
4 dividual who is employed as an early childhood edu-
5 cator in an eligible preschool program or eligible
6 early childhood education program in a low-income
7 community, and who is involved directly in the care,
8 development, and education of infants, toddlers, or
9 young children age 5 and under.

10 “(2) NURSES.—An individual who is em-
11 ployed—

12 “(A) as a nurse in a clinical setting; or

13 “(B) as a member of the nursing faculty at
14 an accredited school of nursing (as those terms
15 are defined in section 801 of the Public Health
16 Service Act (42 U.S.C. 296)).

17 “(3) FOREIGN LANGUAGE SPECIALISTS.—An
18 individual who has obtained a baccalaureate or ad-
19 vanced degree in a critical foreign language and is
20 employed—

21 “(A) in an elementary or secondary school
22 as a teacher of a critical foreign language;

23 “(B) in an agency of the United States
24 Government in a position that regularly re-

1 quires the use of such critical foreign language;
2 or

3 “(C) in an institution of higher education
4 as a faculty member or instructor teaching a
5 critical foreign language.

6 “(4) LIBRARIANS.—An individual who is em-
7 ployed as a librarian in—

8 “(A) a public library that serves a geo-
9 graphic area within which the public schools
10 have a combined average of 30 percent or more
11 of their total student enrollments composed of
12 children counted under section 1113(a)(5) of
13 the Elementary and Secondary Education Act
14 of 1965; or

15 “(B) a high-need school.

16 “(5) HIGHLY QUALIFIED TEACHERS: SERVING
17 STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT,
18 LOW-INCOME COMMUNITIES, AND UNDERREP-
19 RESENTED POPULATIONS.—An individual who—

20 “(A) is highly qualified as such term is de-
21 fined in section 9101 of the Elementary and
22 Secondary Education Act of 1965; and

23 “(B)(i) is employed as a teacher educating
24 students who are limited English proficient;

1 “(ii) is employed as a teacher in a high-
2 need school; or

3 “(iii) is an individual from an underrep-
4 resented population in the teaching profession,
5 as determined by the Secretary.

6 “(6) CHILD WELFARE WORKERS.—An indi-
7 vidual who—

8 “(A) has obtained a degree in social work
9 or a related field with a focus on serving chil-
10 dren and families; and

11 “(B) is employed in public or private child
12 welfare services.

13 “(7) SPEECH-LANGUAGE PATHOLOGISTS AND
14 AUDIOLOGISTS.—An individual who is a speech-lan-
15 guage pathologist or audiologist, who is employed in
16 an eligible preschool program or an elementary or
17 secondary school, and who has, at a minimum, a
18 graduate degree in speech-language pathology, audi-
19 ology, or communication sciences and disorders.

20 “(8) NATIONAL SERVICE.—An individual who is
21 engaged as a participant in a project under the Na-
22 tional and Community Service Act of 1990 (as such
23 terms are defined in section 101 of such Act (42
24 U.S.C. 12511)).

1 “(9) SCHOOL COUNSELORS.—An individual who
2 is employed as a school counselor (as such term is
3 defined in section 5421(e)(3) of Elementary and
4 Secondary Education Act of 1965 (20 U.S.C.
5 7245(e)(3))) in a high-need school.

6 “(10) PUBLIC SECTOR EMPLOYEES.—An indi-
7 vidual who is employed in public safety (including as
8 a first responder, firefighter, police officer, or other
9 law enforcement or public safety officer), emergency
10 management (including as an emergency medical
11 technician), public health (including full-time profes-
12 sionals engaged in health care practitioner occupa-
13 tions and health care support occupations, as such
14 terms are defined by the Bureau of Labor Statis-
15 tics), or public interest legal services (including pros-
16 ecution or public defense or legal advocacy in low-
17 income communities at a nonprofit organization).

18 “(11) NUTRITION PROFESSIONALS.—An indi-
19 vidual who—

20 “(A) is a licensed, certified, or registered
21 dietician who has completed a degree in a rel-
22 evant field; and

23 “(B) has obtained employment in an agen-
24 cy of the special supplemental nutrition pro-
25 gram for women, infants, and children under

1 section 17 of the Child Nutrition Act of 1966
2 (42 U.S.C. 1786).

3 “(12) MEDICAL SPECIALISTS.—An individual
4 who—

5 “(A) has received his or her degree from
6 an accredited medical school (as accredited by
7 the Liaison Committee on Medical Education or
8 as defined by this title IV); and

9 “(B)(i) has been accepted to, or currently
10 participates in, a graduate medical education
11 training program or fellowship (or both) to pro-
12 vide health care services (as recognized by the
13 Accreditation Council for Graduate Medical
14 Education); or

15 “(ii) has been accepted to, or currently
16 participates in, a graduate medical education
17 program or fellowship (or both) to provide
18 health care services that—

19 “(I) requires more than 5 years of
20 total graduate medical training; and

21 “(II) has fewer United States medical
22 school graduate applicants than the total
23 number of training and fellowship positions
24 available in the programs specified in sub-
25 clause (I) of this clause.

1 “(13) MENTAL HEALTH PROFESSIONALS.—In-
2 dividuals who have at least a master’s degree in so-
3 cial work, psychology, or psychiatry and who are
4 providing mental health services to children, adoles-
5 cents, or veterans.

6 “(14) DENTISTS.—An individual who—

7 “(A) has received his or her degree from
8 an accredited dental school (as accredited by
9 the Commission on Dental Accreditation) and
10 has completed residency training in pediatric
11 dentistry, general dentistry, or dental public
12 health; or

13 “(B) is employed as a member of the fac-
14 ulty at a program or school accredited by the
15 Commission on Dental Accreditation.

16 “(15) STEM EMPLOYEES.—An individual who
17 is employed in engineering, technology, applied
18 sciences, or mathematics.

19 “(16) PHYSICAL THERAPISTS.—Individuals who
20 are physical therapists and who are providing phys-
21 ical therapy services to children, adolescents, or vet-
22 erans.

23 “(17) SUPERINTENDENTS, PRINCIPALS, AND
24 OTHER ADMINISTRATORS.—Individuals who are
25 school superintendents, principals, or other adminis-

1 trators for 5 consecutive complete school years in a
2 school district of a local educational agency in which
3 30 percent or more of the schools are schools that
4 qualify under section 465(a)(2)(A) for loan cancella-
5 tion for Perkins loan recipients who teach in such a
6 school.

7 “(c) QUALIFIED LOAN AMOUNT.—At the end of each
8 school, academic, or calendar year of full-time employment
9 on or after the date of enactment of the College Oppor-
10 tunity and Affordability Act of 2008 in an area of national
11 need described in subsection (b), not to exceed 5 years,
12 the Secretary shall forgive not more than \$2,000 of the
13 student loan obligation of a borrower that is outstanding
14 after the completion of each such school, academic, or cal-
15 endar year of employment, as appropriate, not to exceed
16 \$10,000 in the aggregate for any borrower.

17 “(d) PRIORITY.—The Secretary shall grant loan for-
18 giveness under this section on a first-come, first-served
19 basis, and subject to the availability of appropriations.

20 “(e) CONSTRUCTION.—Nothing in this section shall
21 be construed to authorize the refunding of any repayment
22 of a loan.

23 “(f) SEGAL AMERICORPS EDUCATION AWARD AND
24 NATIONAL SERVICE AWARD RECIPIENTS.—A student bor-
25 rower who qualifies for the maximum education award

1 under subtitle D of title I of the National and Community
2 Service Act of 1990 (42 U.S.C. 12601 et seq.) shall re-
3 ceive under this section the amount, if any, by which the
4 maximum benefit available under this section exceeds the
5 maximum education award available under such subtitle.

6 “(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No
7 borrower may receive a reduction of loan obligations under
8 both this section and section 428J or 460.

9 “(h) DEFINITIONS.—In this section:

10 “(1) AUDIOLOGIST.—The term ‘audiologist’
11 means an individual who—

12 “(A) has received, at a minimum, a grad-
13 uate degree in audiology from an institution of
14 higher education accredited by an agency or as-
15 sociation recognized by the Secretary pursuant
16 to section 496(a) of this Act; and

17 “(B) provides audiology services under
18 subsection (ll)(2) of section 1861 of the Social
19 Security Act (42 U.S.C. 1395x(ll)(2)), or meets
20 or exceeds the qualifications for a qualified au-
21 diologist under subsection (ll)(4) of such section
22 (42 U.S.C. 1395x(ll)(4)).

23 “(2) EARLY CHILDHOOD EDUCATOR.—The
24 term ‘early childhood educator’ means an early
25 childhood educator who works directly with children

1 in an eligible preschool program or eligible early
2 childhood education program who has completed a
3 baccalaureate or advanced degree in early childhood
4 development, early childhood education, or in a field
5 related to early childhood education.

6 “(3) ELIGIBLE PRESCHOOL PROGRAM.—The
7 term ‘eligible preschool program’ means a program
8 that provides for the care, development, and edu-
9 cation of infants, toddlers, or young children age 5
10 and under, meets any applicable State or local gov-
11 ernment licensing, certification, approval, and reg-
12 istration requirements, and is operated by—

13 “(A) a public or private school that is sup-
14 ported, sponsored, supervised, or administered
15 by a local educational agency;

16 “(B) a Head Start agency serving as a
17 grantee designated under the Head Start Act
18 (42 U.S.C. 9831 et seq.);

19 “(C) a nonprofit or community based orga-
20 nization; or

21 “(D) a child care program, including a
22 home.

23 “(4) ELIGIBLE EARLY CHILDHOOD EDUCATION
24 PROGRAM.—The term ‘eligible early childhood edu-
25 cation program’ means—

1 “(A) a family child care program, center-
2 based child care program, State prekindergarten
3 program, school program, or other out-
4 of-home early childhood development care pro-
5 gram, that—

6 “(i) is licensed or regulated by the
7 State; and

8 “(ii) serves 2 or more unrelated chil-
9 dren who are not old enough to attend kin-
10 dergarten;

11 “(B) a Head Start Program carried out
12 under the Head Start Act (42 U.S.C. 9831 et
13 seq.); or

14 “(C) an Early Head Start Program carried
15 out under section 645A of the Head Start Act
16 (42 U.S.C. 9840a).

17 “(5) LOW-INCOME COMMUNITY.—The term
18 ‘low-income community’ means a school attendance
19 area (as defined in section 1113(a)(2)(A) of the Ele-
20 mentary and Secondary Education Act of 1965)—

21 “(A) in which 70 percent of households
22 earn less than 85 percent of the State median
23 household income; or

24 “(B) that includes a high-need school.

1 “(6) PHYSICAL THERAPIST.—The term ‘phys-
2 ical therapist’ means an individual who—

3 “(A) has received, at a minimum, a grad-
4 uate degree in physical therapy from an institu-
5 tion of higher education accredited by an agen-
6 cy or association recognized by the Secretary
7 pursuant to section 496(a) of this Act; and

8 “(B) provides physical therapy services
9 under 1861(p) of the Social Security Act (42
10 U.S.C. 1395x(p), or meets or exceeds the quali-
11 fications for a qualified physical therapist as de-
12 termined by State law.

13 “(7) NURSE.—The term ‘nurse’ means a nurse
14 who meets all of the following:

15 “(A) The nurse graduated from—

16 “(i) an accredited school of nursing
17 (as those terms are defined in section 801
18 of the Public Health Service Act (42
19 U.S.C. 296));

20 “(ii) a nursing center; or

21 “(iii) an academic health center that
22 provides nurse training.

23 “(B) The nurse holds a valid and unre-
24 stricted license to practice nursing in the State

1 in which the nurse practices in a clinical set-
2 ting.

3 “(C) The nurse holds one or more of the
4 following:

5 “(i) A graduate degree in nursing, or
6 an equivalent degree.

7 “(ii) A nursing degree from a colle-
8 giate school of nursing (as defined in sec-
9 tion 801 of the Public Health Service Act
10 (42 U.S.C. 296)).

11 “(iii) A nursing degree from an asso-
12 ciate degree school of nursing (as defined
13 in section 801 of the Public Health Service
14 Act (42 U.S.C. 296)).

15 “(iv) A nursing degree from a diploma
16 school of nursing (as defined in section
17 801 of the Public Health Service Act (42
18 U.S.C. 296)).

19 “(8) SPEECH-LANGUAGE PATHOLOGIST.—The
20 term ‘speech-language pathologist’ means a speech-
21 language pathologist who—

22 “(A) has received, at a minimum, a grad-
23 uate degree in speech-language pathology or
24 communication sciences and disorders from an
25 institution of higher education accredited by an

1 agency or association recognized by the Sec-
 2 retary pursuant to section 496(a) of this Act;
 3 and

4 “(B) provides speech-language pathology
 5 services under section 1861(ll)(1) of the Social
 6 Security Act (42 U.S.C. 1395x(ll)(1)), or meets
 7 or exceeds the qualifications for a qualified
 8 speech-language pathologist under subsection
 9 (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section
 12 such sums as may be necessary for fiscal year 2009 and
 13 each of the 4 succeeding fiscal years to provide loan for-
 14 giveness in accordance with this section.”.

15 **SEC. 430. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE**
 16 **ATTORNEYS.**

17 Part B of title IV (20 U.S.C. 1071 et seq.) is amend-
 18 ed by inserting after section 428K the following new sec-
 19 tion:

20 **“SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSIST-**
 21 **ANCE ATTORNEYS.**

22 “(a) PURPOSE.—The purpose of this section is to en-
 23 courage qualified individuals to enter and continue em-
 24 ployment as civil legal assistance attorneys.

25 “(b) DEFINITIONS.—In this section:

1 “(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—

2 The term ‘civil legal assistance attorney’ means an
3 attorney who—

4 “(A) is a full-time employee of a nonprofit
5 organization that provides legal assistance with
6 respect to civil matters to low-income individ-
7 uals without a fee;

8 “(B) as such employee, provides civil legal
9 assistance as described in subparagraph (A) on
10 a full-time basis; and

11 “(C) is continually licensed to practice law.

12 “(2) STUDENT LOAN.—The term ‘student loan’
13 means—

14 “(A) subject to subparagraph (B), a loan
15 made, insured, or guaranteed under part B, D,
16 or E of this title; and

17 “(B) a loan made under section 428C or
18 455(g), to the extent that such loan was used
19 to repay—

20 “(i) a Federal Direct Stafford Loan, a
21 Federal Direct Unsubsidized Stafford
22 Loan, or a Federal Direct PLUS Loan;

23 “(ii) a loan made under section 428,
24 428B, or 428H; or

25 “(iii) a loan made under part E.

1 “(c) PROGRAM AUTHORIZED.—The Secretary shall
2 carry out a program of assuming the obligation to repay
3 a student loan, by direct payments on behalf of a borrower
4 to the holder or the Secretary in the case of a loan under
5 part D or E of such loan, in accordance with subsection
6 (d), for any borrower who—

7 “(1) is employed as a civil legal assistance at-
8 torney; and

9 “(2) is not in default on a loan for which the
10 borrower seeks repayment.

11 “(d) TERMS OF AGREEMENT.—

12 “(1) IN GENERAL.—To be eligible to receive re-
13 payment benefits under subsection (c), a borrower
14 shall enter into a written agreement with the Sec-
15 retary that specifies that—

16 “(A) the borrower will remain employed as
17 a civil legal assistance attorney for a required
18 period of service of not less than 3 years, unless
19 involuntarily separated from that employment;

20 “(B) if the borrower is involuntarily sepa-
21 rated from employment on account of mis-
22 conduct, or voluntarily separates from employ-
23 ment, before the end of the period specified in
24 the agreement, the borrower will repay the Sec-

1 retary the amount of any benefits received by
2 such employee under this agreement;

3 “(C) if the borrower is required to repay
4 an amount to the Secretary under subpara-
5 graph (B) and fails to repay such amount, a
6 sum equal to that amount shall be recoverable
7 by the Federal Government from the employee
8 by such methods as are provided by law for the
9 recovery of amounts owed to the Federal Gov-
10 ernment;

11 “(D) the Secretary may waive, in whole or
12 in part, a right of recovery under this sub-
13 section if it is shown that recovery would be
14 against equity and good conscience or against
15 the public interest; and

16 “(E) the Secretary shall make student loan
17 payments under this section for the period of
18 the agreement, subject to the availability of ap-
19 propriations.

20 “(2) REPAYMENTS.—

21 “(A) IN GENERAL.—Any amount repaid
22 by, or recovered from, an individual under this
23 subsection shall be credited to the appropriation
24 account from which the amount involved was
25 originally paid.

1 “(B) MERGER.—Any amount credited
2 under subparagraph (A) shall be merged with
3 other sums in such account and shall be avail-
4 able for the same purposes and period, and sub-
5 ject to the same limitations, if any, as the sums
6 with which the amount was merged.

7 “(3) LIMITATIONS.—

8 “(A) STUDENT LOAN PAYMENT
9 AMOUNT.—Student loan repayments made by
10 the Secretary under this section shall be made
11 subject to such terms, limitations, or conditions
12 as may be mutually agreed upon by the bor-
13 rower and the Secretary in an agreement under
14 paragraph (1), except that the amount paid by
15 the Secretary under this section shall not ex-
16 ceed—

17 “(i) \$6,000 for any borrower in any
18 calendar year; or

19 “(ii) an aggregate total of \$40,000 in
20 the case of any borrower.

21 “(B) BEGINNING OF PAYMENTS.—Nothing
22 in this section shall authorize the Secretary to
23 pay any amount to reimburse a borrower for
24 any repayments made by such borrower prior to
25 the date on which the Secretary entered into an

1 agreement with the borrower under this sub-
2 section.

3 “(e) ADDITIONAL AGREEMENTS.—

4 “(1) IN GENERAL.—On completion of the re-
5 quired period of service under an agreement under
6 subsection (d), the borrower and the Secretary may,
7 subject to paragraph (2), enter into an additional
8 agreement in accordance with subsection (d).

9 “(2) TERM.—An agreement entered into under
10 paragraph (1) may specify that, notwithstanding
11 subsection (d)(1)(A), the required period of service
12 during which the borrower will remain employed as
13 a civil legal assistance attorney may be less than 3
14 years.

15 “(f) AWARD BASIS; PRIORITY.—

16 “(1) AWARD BASIS.—Subject to paragraph (2),
17 the Secretary shall provide repayment benefits under
18 this section on a first-come, first-served basis, and
19 subject to the availability of appropriations.

20 “(2) PRIORITY.—The Secretary shall give pri-
21 ority in providing repayment benefits under this sec-
22 tion in any fiscal year to a borrower who—

23 “(A) has practiced law for 5 years or less
24 and, for at least 90 percent of the time in such

1 practice, has served as a civil legal assistance
2 attorney;

3 “(B) received repayment benefits under
4 this section during the preceding fiscal year;
5 and

6 “(C) has completed less than 3 years of
7 the first required period of service specified for
8 the borrower in an agreement entered into
9 under subsection (d).

10 “(g) REGULATIONS.—The Secretary is authorized to
11 issue such regulations as may be necessary to carry out
12 the provisions of this section.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$10,000,000 for fiscal year 2009 and such sums as may
16 be necessary for each of the 4 succeeding fiscal years.”.

17 **SEC. 431. LOAN FORGIVENESS FOR VOLUNTEER MEN-**
18 **TORING.**

19 Part B of title IV is further amended by inserting
20 after section 428L (as added by the preceding section) the
21 following new section:

22 **“SEC. 428M. LOAN FORGIVENESS FOR VOLUNTEER MEN-**
23 **TORING.**

24 “(a) PROGRAM AUTHORIZED.—

1 “(1) LOAN FORGIVENESS AUTHORIZED.—The
2 Secretary shall forgive, in accordance with this sec-
3 tion, the student loan obligation of a borrower in the
4 amount specified in subsection (c) who—

5 “(A) commits to volunteering as a mentor
6 for a period of at least one school year as de-
7 scribed in subsection (b);

8 “(B) attends a recognized community col-
9 lege; and

10 “(C) is not in default on a loan for which
11 the borrower seeks forgiveness.

12 “(2) METHOD OF LOAN FORGIVENESS.—To
13 provide loan forgiveness under paragraph (1), the
14 Secretary is authorized to carry out a program—

15 “(A) through the holder of the loan, to as-
16 sume the obligation to repay a qualified loan
17 amount for a loan made, insured, or guaranteed
18 under this part (other than an excepted PLUS
19 loan (as such term is defined in section
20 493C(a))); and

21 “(B) to cancel a qualified loan amount for
22 a loan made under part D of this title (other
23 than such an excepted PLUS loan).

1 “(3) REGULATIONS.—The Secretary is author-
2 ized to issue such regulations as may be necessary
3 to carry out the provisions of this section.

4 “(b) VOLUNTEER MENTORING.—For purposes of this
5 section, an individual shall be treated as participating in
6 a volunteer mentoring program if they commit to men-
7 toring an at-risk child for a period of not less than one
8 school year.

9 “(c) QUALIFIED LOAN AMOUNT.—At the end of each
10 school, academic, or calendar year of volunteering as a
11 mentor on or after the date of enactment of the College
12 Opportunity and Affordability Act of 2007 as described
13 in subsection (b), not to exceed 5 years, the Secretary shall
14 forgive \$10 of the student loan obligation of a borrower
15 that is outstanding after the completion of each such
16 school, academic, or calendar year of employment, for
17 every hour of mentoring committed, not to exceed \$10,000
18 in the aggregate for any borrower.

19 “(d) PRIORITY.— The Secretary shall grant loan for-
20 giveness under this section on a first-come, first-served
21 basis, and subject to the availability of appropriations.”.

22 **SEC. 432. SETTLEMENT OF CLAIMS.**

23 Section 432(b) (20 U.S.C. 1082(b)) is amended by
24 adding at the end the following: “The Secretary may not
25 enter into any settlement of any claim under this Act that

1 exceeds \$1,000,000 unless the Secretary has asked the At-
2 torney General to review the settlement agreement and
3 issue an opinion to the Secretary and the authorizing com-
4 mittees related to such proposed settlement.”.

5 **SEC. 433. DELINQUENCY PREVENTION, DEFAULT AVER-**
6 **SION, AND CONSUMER EDUCATION INFORMA-**
7 **TION PROGRAMS.**

8 Part B of title IV is further amended by inserting
9 after section 433 (20 U.S.C. 1083) the following new sec-
10 tion:

11 **“SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVER-**
12 **SION, AND CONSUMER EDUCATION INFORMA-**
13 **TION PROGRAMS.**

14 “(a) **GUARANTY AGENCY DUTY.**—Each guaranty
15 agency, with respect to loans insured by the agency, shall
16 develop specific programs designed to prevent delin-
17 quencies and avert defaults.

18 “(b) **TRAINING FOR STUDENTS AND FAMILIES.**—
19 Each guaranty agency, after consulting with institutions
20 of higher education (including institutions of higher edu-
21 cation participating in the William Ford Direct Loan Pro-
22 gram), shall develop and make available high quality edu-
23 cational programs and materials to provide training for
24 students and families in budgeting and financial manage-
25 ment, including debt management and other aspects of fi-

1 nancial literacy, such as the cost of using high interest
 2 loans to pay for postsecondary education. Such programs
 3 and materials shall address budgeting and financial man-
 4 agement relating to student loans, and shall be made
 5 available to students and families, in a form and language
 6 that is understandable, before, during, and after the stu-
 7 dents' enrollment.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion shall be construed to prohibit—

10 “(1) a guaranty agency from using activities,
 11 programs, and materials existing on the date of en-
 12 actment of this section in meeting the requirements
 13 of this section; or

14 “(2) a lender or loan servicer from providing
 15 outreach or financial aid literacy information in ac-
 16 cordance with subsection (b).”.

17 **SEC. 434. DEFINITION OF ELIGIBLE INSTITUTION: PARTICI-**
 18 **PATION RATE INDEX.**

19 (a) AMENDMENTS.—Section 435(a) (20 U.S.C.
 20 1085(a)) is amended—

21 (1) in paragraph (2)—

22 (A) in subparagraph (A)(ii), by striking
 23 “paragraph (4)” and inserting “paragraph
 24 (5)”; and

25 (B) in subparagraph (B)—

1 (i) by striking “and” at the end of
2 clause (ii); and

3 (ii) by striking clause (iii) and insert-
4 ing the following new clauses:

5 “(iii) 25 percent for fiscal year 1994
6 through fiscal year 2011; and

7 “(iv) 30 percent for fiscal year 2012
8 and any succeeding fiscal year.”;

9 (2) by redesignating paragraph (6) as para-
10 graph (8), and redesignating paragraphs (3) through
11 (5) as paragraphs (4) through (6), respectively;

12 (3) by inserting after paragraph (2) the fol-
13 lowing new paragraph:

14 “(3) APPEALS FOR REGULATORY RELIEF.—An
15 institution whose cohort default rate, calculated in
16 accordance with subsection (m), is equal to or great-
17 er than the threshold percentage specified in para-
18 graph (2)(B)(iv) of this subsection, for two consecu-
19 tive fiscal years may, within 30 days of receiving no-
20 tification from the Secretary, file an appeal dem-
21 onstrating exceptional mitigating circumstances, as
22 defined in paragraph (5). The Secretary shall issue
23 a decision on any such appeal within 45 days after
24 its submission. If the Secretary determines that the
25 institution demonstrates exceptional mitigating cir-

1 cumstances, the Secretary shall not subject the insti-
2 tution to provisional certification based solely on the
3 institution's cohort default rate.”;

4 (4) in paragraph (5)(A) (as redesignated by
5 paragraph (2) of this subsection), by striking “For
6 the purposes of paragraph (2)(A)(ii)” and all that
7 follows through “following criteria:”, and inserting
8 “For purposes of this subsection, an institution of
9 higher education shall be treated as having excep-
10 tional mitigating circumstances that make applica-
11 tion of paragraph (2) inequitable, and that provide
12 for regulatory relief under paragraph (3), if such in-
13 stitution, in the opinion of an independent auditor,
14 meets the following criteria:”;

15 (5) by inserting after paragraph (6) (as redesign-
16 nated by paragraph (2) of this subsection) the fol-
17 lowing new paragraph:

18 “(7) DEFAULT PREVENTION AND ASSESSMENT
19 OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

20 “(A) FIRST YEAR.—(i) An institution
21 whose cohort default rate is equal to or greater
22 than the threshold percentage specified in para-
23 graph (2)(B)(iv) in any fiscal year shall estab-
24 lish a default prevention task force to prepare
25 a plan to—

1 “(I) identify the factors causing
2 the institution’s cohort default rate to
3 exceed such threshold;

4 “(II) establish measurable objec-
5 tives to improve the institution’s co-
6 hort default rate; and

7 “(III) specify actions that the in-
8 stitution can take to improve student
9 loan repayment, including enhanced
10 use of professional judgment and dis-
11 cretion of student financial aid admin-
12 istrators.

13 “(ii) Each institution subject to this sub-
14 paragraph shall submit the plan under clause
15 (i) to the Secretary, who shall review the plan
16 and offer technical assistance to the institution
17 to promote improved student loan repayment.

18 “(B) SECOND CONSECUTIVE YEAR.—(i) An
19 institution whose cohort default rate is equal to
20 or greater than the threshold percentage speci-
21 fied in paragraph (2)(B)(iv) for two consecutive
22 fiscal years shall require the institution’s de-
23 fault prevention task force established under
24 subparagraph (A) to review and revise the plan

1 required under such subparagraph, and shall
 2 submit such revised plan to the Secretary.

3 “(ii) The Secretary shall review each re-
 4 vised plan submitted in accordance with this
 5 subparagraph, and may direct that such a plan
 6 be amended to include actions, with measurable
 7 objectives, that the Secretary determines, based
 8 on available data and analyses of student loan
 9 defaults, will promote student loan repayment.

10 “(C) COHORT DEFAULT RATES PUB-
 11 LISHED.—The Secretary shall make available to
 12 the public on the College Navigator web site the
 13 cohort default rate and the plan of the default
 14 prevention task force of each institution that is
 15 subject to this paragraph.”; and

16 (6) in paragraph (8)(A) (as redesignated by
 17 paragraph (2) of this subsection), by striking
 18 “0.0375” and inserting “0.0625”.

19 (b) EFFECTIVE DATE.—The amendment made by
 20 subsection (a)(6) is effective for fiscal years beginning on
 21 or after October 1, 2011.

22 **SEC. 434. DEFINITION OF ELIGIBLE LENDER.**

23 Section 435(d)(1)(A)(ii) (20 U.S.C.
 24 1085(d)(1)(A)(ii)) is amended—

1 (1) by striking “part, or (III)” and inserting
2 “part, (III)”; and

3 (2) by inserting before the semicolon at the end
4 the following: “, or (IV) it is a National or State
5 chartered bank with assets of less than
6 \$1,000,000,000”.

7 **SEC. 435. COHORT DEFAULT RATES.**

8 (a) AMENDMENTS.—Section 435(m) (20 U.S.C.
9 1085(m)) is amended—

10 (1) in the first sentence of paragraph (1)(A), by
11 striking “end of the following fiscal year” and in-
12 serting “end of the second fiscal year following the
13 fiscal year in which the students entered repay-
14 ment”;

15 (2) in paragraph (1)(B), by striking “such fis-
16 cal year” and inserting “such second fiscal year”;

17 (3) in paragraph (1)(C), by striking “end of the
18 fiscal year immediately following the year in which
19 they entered repayment” and inserting “end of the
20 second fiscal year following the year in which they
21 entered repayment”;

22 (4) in paragraph (2)(C)—

23 (A) by striking “end of such following fis-
24 cal year is not considered as in default for the
25 purposes of this subsection” and inserting “end

1 of the second fiscal year following the year in
2 which the loan entered repayment is not consid-
3 ered as in default for purposes of this sub-
4 section”; and

5 (B) by striking “such fiscal year” and in-
6 serting “such second fiscal year”; and

7 (5) in paragraph (4)—

8 (A) by amending the header to read as fol-
9 lows: “COLLECTION AND REPORTING OF CO-
10 HORT DEFAULT RATES AND LIFE OF COHORT
11 DEFAULT RATES.—”; and

12 (B) by amending subparagraph (A) to read
13 as follows:

14 “(A) The Secretary shall collect data from all
15 insurers under this part and shall publish not less
16 often than once every fiscal year a report showing
17 cohort default data and life of cohort default rate for
18 each category of institution, including: (i) 4-year
19 public institutions; (ii) 4-year private nonprofit insti-
20 tutions; (iii) 2-year public institutions; (iv) 2-year
21 private institutions; (v) 4-year proprietary institu-
22 tions; (vi) 2-year proprietary institutions; and (vii)
23 less than 2-year proprietary institutions. For pur-
24 poses of this subparagraph, the life of cohort default
25 rate means, for any fiscal year in which 1 or more

1 current and former students at an institution enter
2 repayment on loans under section 428, 428A, or
3 428H, received for attendance at the institution, the
4 percentage of those current and former students who
5 enter repayment on such loans (or on the portion of
6 a loan made under section 428C that is used to
7 repay any such loans) received for attendance at the
8 institution in that fiscal year who default before the
9 end of each succeeding fiscal year.”.

10 (b) EFFECTIVE DATE AND TRANSITION.—

11 (1) EFFECTIVE DATE.—The amendments made
12 by subsection (a) shall be effective for purposes of
13 calculating cohort default rates for fiscal year 2008
14 and succeeding fiscal years.

15 (2) TRANSITION.—Notwithstanding paragraph
16 (1), the method of calculating cohort default rates
17 under section 435(m) of the Higher Education Act
18 of 1965 as in effect on the day before the date of
19 enactment of this Act shall continue in effect, and
20 the rates so calculated shall be the basis for any
21 sanctions imposed on institutions of higher edu-
22 cation because of their cohort default rates, until
23 three consecutive years of cohort default rates cal-
24 culated in accordance with the amendments made by
25 subsection (a) are available.

1 **SEC. 436. DISABILITY DETERMINATIONS.**

2 Section 437(a) (20 U.S.C. 1087(a)) is amended by
3 adding at the end the following new sentence: “A borrower
4 who receives a permanent total disability rating from the
5 Secretary of Veterans Affairs, and who provides docu-
6 mentation of such rating to the Secretary of Education,
7 shall be considered permanently and totally disabled for
8 the purpose of discharging such borrower’s loans under
9 this subsection, and such borrower shall not be required
10 to present additional documentation for purposes of this
11 subsection.”.

12 **PART C—COLLEGE WORK/STUDY**

13 **SEC. 441. REAUTHORIZATION.**

14 (a) EXTENSION OF AUTHORITY.—Section 441 (42
15 U.S.C. 2751) is amended—

16 (1) in subsection (b), by striking
17 “\$1,000,000,000 for fiscal year 1999” and inserting
18 “\$1,500,000,000 for fiscal year 2009”; and

19 (2) in subsection (c)—

20 (A) by striking “and” at the end of para-
21 graph (3);

22 (B) by striking the period at the end of
23 paragraph (4) and inserting “; and”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(5) responding to the needs of the community,
2 which may include activities in preparation for and
3 during emergencies and natural disasters.”.

4 (b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Sec-
5 tion 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended
6 by striking “\$450” and inserting “\$600”.

7 (c) GRANTS FOR FEDERAL WORK-STUDY PRO-
8 GRAMS.—Section 443 (42 U.S.C. 2753) is amended—

9 (1) in subsection (b)(2)(B), strike “(as de-
10 scribed in subsection (d)), is” insert the following:
11 “(as described in subsection (d)), and not less than
12 1 civic education and participation project (as de-
13 scribed in subsection (e)), are”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) CIVIC EDUCATION AND PARTICIPATION ACTIVI-
17 TIES.—

18 “(1) USE OF FUNDS.—In any academic year to
19 which subsection (b)(2)(B) applies, an institution
20 shall ensure that funds granted to such institution
21 under this section are used in accordance with such
22 subsection to compensate (including compensation
23 for time spent in training and travel directly related
24 to civic education and participation activities) stu-
25 dents employed in projects that—

1 “(A) teach civics in schools;

2 “(B) raise awareness of government func-
3 tions or resources; or

4 “(C) increase civic participation such as in
5 voting or running for elected office.

6 “(2) PRIORITY FOR SCHOOLS.—To the extent
7 practicable, an institution shall—

8 “(A) give priority to the employment of
9 students participating in projects that educate
10 or train the public about evacuation, emergency
11 response, and injury prevention strategies relat-
12 ing to natural disasters, acts of terrorism, and
13 other emergency situations; and

14 “(B) ensure that any student compensated
15 with the funds described in paragraph (1) re-
16 ceives appropriate training to carry out the edu-
17 cational services required.

18 “(3) FEDERAL SHARE.—The Federal share of
19 the compensation of work-study students com-
20 pensated under this subsection may exceed 75 per-
21 cent.”.

22 (d) FLEXIBLE USE OF FUNDS.—Section 445 (42
23 U.S.C. 2755) is amended by adding at the end the fol-
24 lowing new subsection:

1 “(d) FLEXIBILITY IN THE EVENT OF A MAJOR DIS-
2 ASTER.—

3 “(1) In the event of a major disaster, an eligi-
4 ble institution located in any area affected by such
5 major disaster, as determined by the Secretary, may
6 make payments under this part to disaster-affected
7 students as follows:

8 “(A) For any academic year during which
9 a major disaster occurs, such an eligible institu-
10 tion may pay wages under this part to disaster-
11 affected students in an amount equal to or less
12 than the amount of wages such students would
13 have been paid under this part had the students
14 been able to complete the work obligation nec-
15 essary to receive work study funds for such aca-
16 demic year.

17 “(B) Wages shall not be awarded to any
18 student who, for the academic year during
19 which a major disaster occurs, was not eligible
20 for work study or was not completing the work
21 obligation necessary to receive work study funds
22 under this part prior to the occurrence of the
23 major disaster.

24 “(C) Any wages awarded to disaster-af-
25 fected students under this subsection shall meet

1 the matching requirements outlined in section
2 443.

3 “(2) DEFINITIONS.—In this subsection:

4 “(A) The term ‘disaster-affected students’
5 means students enrolled at an eligible institu-
6 tion who—

7 “(i) were receiving Federal work study
8 payments from such eligible institution for
9 an academic year prior to the occurrence
10 of a major disaster during such academic
11 year; and

12 “(ii) were prevented from fulfilling
13 their work-study obligations for such aca-
14 demic year due to such major disaster, as
15 determined by the Secretary.

16 “(B) The term ‘major disaster’ has the
17 meaning given such term in section 102(2) of
18 the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act.”.

20 **SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMU-**
21 **NITY SERVICE.**

22 Section 447 (42 U.S.C. 2756a) is amended—

23 (1) by striking “Each institution participating”
24 and inserting “(a) COMMUNITY SERVICE-LEARN-
25 ING.—Each institution participating”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) OFF-CAMPUS COMMUNITY SERVICE.—

4 “(1) GRANTS AUTHORIZED.—In addition to
5 funds made available under section 443(b)(2)(B),
6 the Secretary is authorized to award grants to insti-
7 tutions participating under this part to supplement
8 off-campus community service employment.

9 “(2) USE OF FUNDS.—In any year in which
10 section 443(b)(2)(B) applies, an institution shall en-
11 sure that funds granted to such institution under
12 this subsection are used in accordance with such sec-
13 tion 443 to recruit and compensate students (includ-
14 ing compensation for time spent in training and for
15 travel directly related to such community service).

16 “(3) PRIORITY.—In awarding grants under this
17 subsection, the Secretary shall give priority to appli-
18 cations that support postsecondary students assist-
19 ing with early childhood education activities and ac-
20 tivities in preparation for and during emergencies
21 and natural disasters.

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection such sums as may be necessary for

1 fiscal year 2009 and each of the 4 succeeding fiscal
2 years.”.

3 **SEC. 443. WORK COLLEGES.**

4 (a) WORK-LEARNING-SERVICE.—Section 448 (42
5 U.S.C. 2756b) is amended by striking “work-learning”
6 each place it appears and inserting “work-learning-serv-
7 ice”.

8 (b) DEFINITION.—Section 448(e) is amended to read
9 as follows:

10 “(e) DEFINITIONS.—For the purpose of this sec-
11 tion—

12 “(1) the term ‘work college’ means an eligible
13 institution that—

14 “(A) has been a public or private non-
15 profit, four-year, degree granting institution
16 with a commitment to community service;

17 “(B) has operated a comprehensive work-
18 learning-service program for at least 2 years;

19 “(C) requires all resident students, includ-
20 ing at least one-half of all students who are en-
21 rolled on a full-time basis, to participate in a
22 comprehensive work-learning-service program
23 for at least 5 hours each week, or at least 80
24 hours during each period of enrollment, except
25 summer school, unless the student is engaged in

1 an institutionally organized or approved study
2 abroad or externship program; and

3 “(D) provides students participating in the
4 comprehensive work-learning-service program
5 with the opportunity to contribute to their edu-
6 cation and to the welfare of the community as
7 a whole; and

8 “(2) the term ‘comprehensive student work-
9 learning-service program’ means a student work-
10 learning-service program that—

11 “(A) is an integral and stated part of the
12 institution’s educational philosophy and pro-
13 gram;

14 “(B) requires participation of all resident
15 students for enrollment and graduation;

16 “(C) includes learning objectives, evalua-
17 tion, and a record of work performance as part
18 of the student’s college record;

19 “(D) provides programmatic leadership by
20 college personnel at levels comparable to tradi-
21 tional academic programs;

22 “(E) recognizes the educational role of
23 work-learning-service supervisors; and

24 “(F) includes consequences for non-
25 performance or failure in the work-learning-

1 service program similar to the consequences for
 2 failure in the regular academic program.”.

3 (c) AUTHORIZATION.—Section 448(f) is amended—

4 (1) by striking “\$5,000,000” and inserting
 5 “such sums as may be necessary”; and

6 (2) by striking “1999” and inserting “2009”.

7 **PART D—FEDERAL DIRECT STUDENT LOANS**

8 **SEC. 451. REAUTHORIZATION.**

9 Section 458(a) (20 U.S.C. 1087h(a)) is amended—

10 (1) in paragraph (2)—

11 (A) in the heading of such paragraph, by
 12 striking “2011” and inserting “2013”; and

13 (B) by striking “2011” and inserting
 14 “2013”; and

15 (2) in paragraph (3), by striking “2011” and
 16 inserting “2013”.

17 **SEC. 452. PUBLIC SERVICE JOB DEFINITION.**

18 Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is
 19 amended to read as follows:

20 “(B) PUBLIC SERVICE JOB.—The term
 21 ‘public service job’ means—

22 “(i) a full-time job in emergency man-
 23 agement, government (excluding time
 24 served as a member of Congress), military
 25 service, public safety, law enforcement,

1 public health (including nurses, nurse
2 practitioners, nurses in a clinical setting,
3 and full-time professionals engaged in
4 health care practitioner occupations and
5 health care support occupations, as such
6 terms are defined by the Bureau of Labor
7 Statistics), public education, social work in
8 a public child or family service agency,
9 public interest law services (including pros-
10 ecution or public defense or legal advocacy
11 on behalf of low-income communities at a
12 nonprofit organization), early childhood
13 education (including licensed or regulated
14 childcare, Head Start, and State funded
15 prekindergarten), public service for individ-
16 uals with disabilities, public service for the
17 elderly, public library sciences, school-
18 based library sciences and other school-
19 based services, or at an organization that
20 is described in section 501(c)(3) of the In-
21 ternal Revenue Code of 1986 and exempt
22 from taxation under section 501(a) of such
23 Code; or

24 “(ii) teaching as a full-time faculty
25 member at a Tribal College or University

1 as defined in section 316(b) and other fac-
2 ulty teaching in high-needs subject areas
3 or areas of shortage (including nurse fac-
4 ulty, foreign language faculty and part-
5 time faculty at community colleges), as de-
6 termined by the Secretary.”.

7 **SEC. 453. IDENTITY FRAUD PROTECTION.**

8 Section 455 (20 U.S.C. 1087e) is further amended
9 by adding at the end the following new subsection:

10 “(n) IDENTITY FRAUD PROTECTION.—The Secretary
11 of Education shall take such steps as may be necessary
12 to ensure that monthly Direct Loan statements and other
13 publications of the Department of Education do not con-
14 tain more than 4 digits of the Social Security number of
15 any individual.”.

16 **SEC. 454. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY**
17 **SERVICE MEMBERS.**

18 (a) AMENDMENT.—Section 455 (20 U.S.C. 1087e) is
19 further amended by adding at the end the following:

20 “(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY
21 SERVICE MEMBERS.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of this part, and except as provided in
24 paragraph (3), interest shall not accrue for an eligi-

1 ble borrower on a loan made under this part that is
2 disbursed on or after October 1, 2008.

3 “(2) CONSOLIDATION LOANS.—In the case of
4 any consolidation loan made under this part that is
5 disbursed on or after October 1, 2008, interest shall
6 not accrue pursuant to this subsection only on such
7 portion of such loan as was used to repay a loan
8 made under this part that was disbursed on or after
9 October 1, 2008.

10 “(3) ELIGIBLE BORROWER.—In this subsection,
11 the term ‘eligible borrower’ means an individual
12 who—

13 “(A)(i) is serving on active duty during a
14 war or other military operation or national
15 emergency; or

16 “(ii) is performing qualifying National
17 Guard duty during a war or other military op-
18 eration or national emergency; and

19 “(B) is serving in an area of hostilities in
20 which service qualifies for special pay under
21 section 310 of title 37, United States Code.

22 “(4) LIMITATION.—An individual who qualifies
23 as an eligible borrower under this subsection may re-
24 ceive the benefit of this subsection for not more than
25 60 months.”.

1 (b) CONSOLIDATION LOANS.—Section 428C(b)(5)
2 (20 U.S.C. 1078–3(b)(5)) is amended by inserting after
3 the first sentence the following: “In addition, in the event
4 that a borrower chooses to obtain a consolidation loan for
5 the purposes of using the no accrual of interest for active
6 duty service members program offered under section
7 455(o), the Secretary shall offer a Federal Direct Consoli-
8 dation loan to any such borrower who applies for partici-
9 pation in such program.”.

10 **SEC. 455. DIRECT LOAN PROGRAM AUDIT AND REPORTING**
11 **REQUIREMENTS.**

12 (a) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO
13 AND DIRECT LOAN SERVICING CONTRACTS.—Section 458
14 (20 U.S.C. 1087h) is amended by adding at the end the
15 following:

16 “(d) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO
17 AND DIRECT LOAN SERVICING CONTRACTS.—The Sec-
18 retary shall have a financial and compliance audit of all
19 loans owned by the Department of Education and made
20 under the William D. Ford Federal Direct Loan Program
21 and all contracts for the origination, servicing, collection,
22 and related activities of such loans, conducted annually by
23 a qualified independent organization from a list of quali-
24 fied organizations promulgated by the Secretary in accord-
25 ance with standards established by the Comptroller Gen-

1 eral. The standards shall measure the servicer's compli-
2 ance with the due diligence standards and shall include
3 a defined statistical sampling technique designed to meas-
4 ure the performance rating of the servicer for the purpose
5 of this section. The Secretary shall submit the audit to
6 Congress within 60 days of its completion and shall at
7 the same time make the results of the audit publicly avail-
8 able.”.

9 (b) QUARTERLY REPORTING OF ADMINISTRATIVE
10 EXPENSES.—Section 458 (20 U.S.C. 1087h) is further
11 amended by adding at the end the following:

12 “(e) BUDGET JUSTIFICATION AND QUARTERLY RE-
13 PORTS.—In addition to the requirements of subsection (c),
14 and as a prerequisite to expending funds under this sec-
15 tion, the Secretary shall—

16 “(1) make publicly available immediately upon
17 providing to Congress, its annual budget justifica-
18 tion referenced in the last sentence of subsection (c),
19 including the detailed descriptions of activities and
20 the costs for each such activity; and

21 “(2) make publicly available within 30 days of
22 the close of each calendar quarter, an interim report
23 with at least the same level of detail as the annual
24 report referred to above, showing the detailed de-

1 scriptions of activities and the costs for each such
2 activity, for the quarter, which shall include—

3 “(A) amendments to any contracts entered
4 into by the Department for the purposes of
5 servicing, origination, consolidating, or other-
6 wise providing administrative support for the
7 Direct Loan program;

8 “(B) a complete listing of all milestones
9 for upgrades and improvements in any of the
10 contracts referenced in section 458(d)(1) and
11 the progress towards meeting such milestones;

12 “(C) with respect to each of the guaranty
13 agencies operating under a guaranty agreement
14 under section 428(c)—

15 “(i) un-reconciled balances in held
16 loans by year of origination;

17 “(ii) status and number of defaulted
18 loans by length of default in 30-day incre-
19 ments; and

20 “(iii) status and number of delinquent
21 loans by length of delinquency in 30-day
22 increments;

23 “(D) information technology purchases
24 made under this section; and

1 “(E) costs and terms of all contracts with
2 external consultants and employees of institu-
3 tions of higher education carrying out activities
4 under this part.”.

5 (c) AUDIT OF FEDERAL FAMILY EDUCATION LOAN
6 PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The
7 Secretary of Education shall have a financial and compli-
8 ance audit of all guaranty agencies participating in the
9 loan programs under part B of title IV of the Higher Edu-
10 cation Act of 1965 (including each guaranty agencies’ con-
11 tract for the servicing, collecting, and related activities of
12 such loans), conducted annually by a qualified inde-
13 pendent organization from a list of qualified organizations
14 promulgated by the Secretary in accordance with the
15 standards established by the Comptroller General. The
16 standards shall measure the guaranty agency’s compliance
17 with the due diligence standards and shall include a de-
18 fined statistical sampling technique designed to measure
19 the performance rating of the guaranty agency for the
20 purpose of this subsection. The Secretary shall submit the
21 audit to Congress within 60 days of its completion and
22 shall at the same time make the results of the audit pub-
23 licly available.

PART E—PERKINS LOANS**SEC. 461. EXTENSION OF AUTHORITY.**

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking “\$250,000,000 for fiscal year 1999” and inserting “\$350,000,000 for fiscal year 2009”; and

(2) in paragraph (2), by striking “2003” each place it appears and inserting “2014”.

SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking “\$450” and inserting “\$600”.

SEC. 463. AGREEMENTS WITH INSTITUTIONS.

(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:

“(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary’s collection costs) shall be repaid to such institution no later than 180 days after collection by the Secretary and treated as an additional capital contribution under section 462;”.

1 (b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL
 2 FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C.
 3 1087cc(a)(9)) is amended by inserting “, except that noth-
 4 ing in this paragraph shall be construed to permit the Sec-
 5 retary to require the assignment of loans to the Secretary
 6 other than as is provided for in paragraphs (4) and (5)”
 7 before the period.

8 **SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.**

9 (a) LOAN LIMITS.—Section 464(a) (20 U.S.C.
 10 1087dd(a)) is amended—

11 (1) in paragraph (2)(A)—

12 (A) by striking “\$4,000” in clause (i) and
 13 inserting “\$5,500”; and

14 (B) by striking “\$6,000” in clause (ii) and
 15 inserting “\$8,000”; and

16 (2) in paragraph (2)(B)—

17 (A) by striking “\$40,000” in clause (i) and
 18 inserting “\$60,000”;

19 (B) by striking “\$20,000” in clause (ii)
 20 and inserting “\$27,500”; and

21 (C) by striking “\$8,000” in clause (iii) and
 22 inserting “\$11,000”.

23 (b) FORBEARANCE.—Section 464 (20 U.S.C.
 24 1087dd) is further amended—

25 (1) in subsection (e)—

1 (A) in the matter preceding paragraph (1),
2 by striking “, upon written request,” and in-
3 serting “, as documented in accordance with
4 paragraph (2),”;

5 (B) by redesignating paragraphs (1)
6 through (3) as subparagraphs (A) through (C),
7 respectively;

8 (C) by inserting “(1)” after “FORBEAR-
9 ANCE.—”; and

10 (D) by adding at the end the following:

11 “(2) For the purpose of paragraph (1), the terms of
12 forbearance agreed to by the parties shall be documented
13 by—

14 “(A) confirming the agreement of the borrower
15 by notice to the borrower from the institution of
16 higher education; and

17 “(B) recording the terms in the borrower’s
18 file.”;

19 (2) in subsection (h)(1)(A), by striking “12
20 ontime” and inserting “9 on-time”; and

21 (3) in subsection (j)(2), by striking “(e)(3)”
22 and inserting “(e)(1)(C)”.

23 **SEC. 465. CANCELLATION FOR PUBLIC SERVICE.**

24 Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

25 (1) in paragraph (2)—

1 (A) by amending subparagraph (A) to read
2 as follows:

3 “(A) as a full-time teacher for service in an
4 academic year in a high-need school;”;

5 (B) in subparagraph (B), by striking
6 “Head Start Act which” and inserting “Head
7 Start Act, or in a prekindergarten or child care
8 program that is licensed or regulated by the
9 State, that”;

10 (C) in subparagraph (H), by striking “or”
11 after the semicolon;

12 (D) in subparagraph (I), by striking the
13 period and inserting a semicolon; and

14 (E) by inserting before the matter fol-
15 lowing subparagraph (I) the following:

16 “(J) as a full-time fire fighter for service to a
17 local, State, or Federal fire department or fire dis-
18 trict;

19 “(K) as a full-time faculty member at a Tribal
20 College or University, as that term is defined in sec-
21 tion 316;

22 “(L) as a librarian, if the librarian has a mas-
23 ter’s degree in library science and is employed in—

24 “(i) an elementary school or secondary
25 school that is eligible for assistance under title

1 I of the Elementary and Secondary Education
2 Act of 1965; or

3 “(ii) a public library that serves a geo-
4 graphic area that contains 1 or more schools el-
5 igible for assistance under title I of the Elemen-
6 tary and Secondary Education Act of 1965; or

7 “(M) as a full-time speech language therapist,
8 if the therapist has a master’s degree and is working
9 exclusively with schools that are eligible for assist-
10 ance under title I of the Elementary and Secondary
11 Education Act of 1965.”; and

12 (2) in paragraph (3)(A)—

13 (A) in clause (i)—

14 (i) by inserting “(D),” after “(C),”;

15 and

16 (ii) by striking “or (I)” and inserting
17 “(I), (J), (K), (L), or (M)”;

18 (B) in clause (ii), by inserting “or” after
19 the semicolon;

20 (C) by striking clause (iii); and

21 (D) by redesignating clause (iv) as clause
22 (iii).

23 **SEC. 466. SENSE OF CONGRESS REGARDING PERKINS**
24 **LOANS.**

25 It is the sense of Congress that—

1 (1) the Federal Perkins Loan Program, which
 2 provides low-interest loans to help needy students fi-
 3 nance the costs of postsecondary education, is an
 4 important part of Federal student aid, and should
 5 remain a campus-based aid program at colleges and
 6 universities; and

7 (2) in order to strengthen the Federal Perkins
 8 Loan Program, the Federal Government should sup-
 9 port increased funds to the Program and restore the
 10 capital contribution funds for the Program, to pro-
 11 vide more low-income students with affordable bor-
 12 rowing options.

13 **PART F—NEED ANALYSIS**

14 **SEC. 471. COST OF ATTENDANCE.**

15 (a) AMENDMENTS.—Section 472(3) (20 U.S.C.
 16 1087kk(3)) is amended—

17 (1) in subparagraph (B), by striking “and”
 18 after the semicolon;

19 (2) by redesignating subparagraph (C) as sub-
 20 paragraph (D); and

21 (3) by inserting after subparagraph (B), as
 22 amended by paragraph (1), the following:

23 “(C) for students who live in housing lo-
 24 cated on a military base or for which a basic al-
 25 lowance is provided under section 403(b) of title

1 37, United States Code, shall be an allowance
 2 based on the expenses reasonably incurred by
 3 such students for board but not for room; and”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 subsection (a) shall take effect on July 1, 2009.

6 **SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURS-**
 7 **ING HOME EXPENSES.**

8 Section 479A(a) (20 U.S.C. 1087tt) is amended by
 9 striking “medical or dental expenses” and inserting “med-
 10 ical, dental, or nursing home expenses”.

11 **SEC. 473. DEFINITIONS.**

12 (a) TOTAL INCOME.—Section 480(a) (20 U.S.C.
 13 1087vv(a)) is amended by adding at the end the following
 14 new paragraph:

15 “(3) Notwithstanding paragraph (1), with respect to
 16 dislocated workers (as defined in section 101 of the Work-
 17 force Investment Act of 1998 (29 U.S.C. 2801)), the term
 18 ‘total income’ is equal to estimated adjusted gross income
 19 plus estimated untaxed income and benefits for the cur-
 20 rent tax year minus estimated excludable income (as de-
 21 fined in subsection (e)) in for the current tax year.”.

22 (b) UNTAXED INCOME AND BENEFITS.—Section
 23 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by insert-
 24 ing “, except that the value of on-base military housing
 25 or the value of basic allowance for housing determined

1 under section 403(b) of title 37, United States Code, re-
2 ceived by the parents, in the case of a dependent student,
3 or the student or student's spouse, in the case of an inde-
4 pendent student, shall be excluded" before the semicolon.

5 (c) TREATMENT OF COOPERATIVE EDUCATION
6 WORK INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is
7 amended—

8 (1) by redesignating paragraphs (2) through
9 (4) as paragraphs (3) through (5), respectively; and

10 (2) by inserting after paragraph (1) the fol-
11 lowing new paragraph:

12 “(2) any income earned from work under a co-
13 operative education program offered by an institu-
14 tion of higher education;”.

15 (d) TREATMENT OF VETERANS' EDUCATION BENE-
16 FITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULA-
17 TION.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended
18 by adding at the end the following new paragraph:

19 “(4) Notwithstanding paragraph (1), for the first
20 year a student receives veterans' education benefits under
21 chapter 30 of title 38, United States Code, the amount
22 of such veterans' education benefits that is treated as esti-
23 mated financial assistance not received under this title for
24 the purposes of section 471(3) shall be calculated by sub-
25 tracting the amount that the student's basic pay was re-

1 duced under section 3011(b) or 3012(c) of such title in
 2 order to be eligible to receive such benefits from the
 3 amount of such veterans' education benefits.'".

4 (e) EFFECTIVE DATE.—The amendments made by
 5 this section are effective on July 1, 2009.

6 **SEC. 474. USE OF MOST RECENT TAX INFORMATION IN**
 7 **NEED ANALYSIS.**

8 Section 480(a)(1) of the Higher Education Act of
 9 1965 (20 U.S.C. 1087vv(a)(1)), as amended by section
 10 473 of this Act, is further amended by adding at the end
 11 the following new sentence: "Notwithstanding the pre-
 12 ceding sentence, the Secretary shall, by regulation, provide
 13 for the use of the second preceding tax year when and
 14 to the extent necessary to carry out the simplification of
 15 applications used for the estimation and determination of
 16 financial aid eligibility through the sharing of data with
 17 the Internal Revenue Service with the consent of the tax-
 18 payer.'".

19 **PART G—GENERAL PROVISIONS**

20 **SEC. 481. COMPLIANCE CALENDAR.**

21 Section 482 (20 U.S.C. 1089) is amended by adding
 22 at the end the following:

23 "(e) COMPLIANCE CALENDAR.—Prior to the begin-
 24 ning of each award year, the Secretary shall provide to
 25 institutions of higher education a list of all the reports

1 and disclosures required under this Act. The list shall in-
2 clude—

3 “(1) the date each report or disclosure is re-
4 quired to be completed and to be submitted, made
5 available, or disseminated;

6 “(2) the required recipients of each report or
7 disclosure;

8 “(3) any required method for transmittal or
9 dissemination of each report or disclosure;

10 “(4) a description of the content of each report
11 or disclosure sufficient to allow the institution to
12 identify the appropriate individuals to be assigned
13 the responsibility for such report or disclosure;

14 “(5) references to the statutory authority, ap-
15 plicable regulations, and current guidance issued by
16 the Secretary regarding each report or disclosure;
17 and

18 “(6) any other information which is pertinent to
19 the content or distribution of the report or disclo-
20 sure.”.

21 **SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC**
22 **FORMS AND PROCESSES.**

23 (a) COMMON FINANCIAL AID FORM DEVELOPMENT
24 AND PROCESSING.—Section 483 (20 U.S.C. 1090) is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking paragraphs (1), (2), and
3 (5);

4 (B) by redesignating paragraphs (3), (4),
5 (6), and (7), as paragraphs (9), (10), (11), and
6 (12), respectively; and

7 (C) by inserting before paragraph (9), as
8 redesignated by subparagraph (B), the fol-
9 lowing:

10 “(1) IN GENERAL.—The Secretary, in coopera-
11 tion with representatives of agencies and organiza-
12 tions involved in student financial assistance, shall
13 produce, distribute, and process free of charge com-
14 mon financial reporting forms as described in this
15 subsection to be used for application and reapplica-
16 tion to determine the need and eligibility of a stu-
17 dent for financial assistance under parts A through
18 E (other than subpart 4 of part A). These forms
19 shall be made available to applicants in both paper
20 and electronic formats and shall be referred to as
21 the ‘Free Application for Federal Student Aid’ or
22 the ‘FAFSA’. The Secretary shall work to make the
23 FAFSA consumer-friendly and to make questions on
24 the FAFSA easy for students and parents to read
25 and understand, and shall ensure that the FAFSA

1 is available in formats accessible to individuals with
2 disabilities.

3 “(2) EARLY ESTIMATES.—The Secretary
4 shall—

5 “(A) permit applicants to enter data in
6 such forms as described in this subsection in
7 the years prior to enrollment in order to obtain
8 a non-binding estimate of the applicant’s family
9 contribution (as defined in section 473);

10 “(B) permit applicants to update informa-
11 tion submitted on forms described in this sub-
12 section, without needing to re-enter previously
13 submitted information;

14 “(C) develop a means to inform applicants,
15 in the years prior to enrollment, of student aid
16 options for individuals in similar financial situa-
17 tions; and

18 “(D) develop a means to provide a clear
19 and conspicuous notice that the applicant’s ex-
20 pected family contribution is subject to change
21 and may not reflect the final expected family
22 contribution used to determine Federal student
23 financial aid award amounts.

24 “(3) PAPER FORMAT.—

1 “(A) IN GENERAL.—The Secretary shall
2 produce, distribute, and process common forms
3 in paper format to meet the requirements of
4 paragraph (1). The Secretary shall develop a
5 common paper form for applicants who do not
6 meet the requirements of subparagraph (B).

7 “(B) EZ FAFSA.—

8 “(i) IN GENERAL.—The Secretary
9 shall develop and use a simplified paper
10 application form, to be known as the EZ
11 FAFSA, to be used for applicants meeting
12 the requirements of subsections (b) and (c)
13 of section 479.

14 “(ii) REDUCED DATA REQUIRE-
15 MENTS.—The EZ FAFSA shall permit an
16 applicant to submit for financial assistance
17 purposes, only the data elements required
18 to make a determination of whether the
19 applicant meets the requirements under
20 subsections (b) and (c) of section 479.

21 “(iii) STATE DATA.—The Secretary
22 shall include on the EZ FAFSA such data
23 items as may be necessary to award State
24 financial assistance, as provided under
25 paragraph (6), except that the Secretary

1 shall not include a State's data if that
2 State does not permit its applicants to use
3 the EZ FAFSA for State assistance.

4 “(iv) FREE AVAILABILITY AND PROC-
5 ESSING.—The provisions of paragraph (7)
6 shall apply to the EZ FAFSA, and the
7 data collected by means of the EZ FAFSA
8 shall be available to institutions of higher
9 education, guaranty agencies, and States
10 in accordance with paragraph (9).

11 “(v) TESTING.—The Secretary shall
12 conduct appropriate field testing on the
13 EZ FAFSA.

14 “(C) PROMOTING THE USE OF ELEC-
15 TRONIC FAFSA.—

16 “(i) IN GENERAL.—The Secretary
17 shall make all efforts to encourage all ap-
18 plicants to utilize the electronic forms de-
19 scribed in paragraph (4).

20 “(ii) MAINTENANCE OF THE FAFSA IN
21 A PRINTABLE ELECTRONIC FILE.—The
22 Secretary shall maintain a version of the
23 paper forms described in subparagraphs
24 (A) and (B) in a printable electronic file
25 that is easily portable. The printable elec-

1 tronic file will be made easily accessible
2 and downloadable to students on the same
3 website used to provide students with the
4 electronic application forms described in
5 paragraph (4) of this subsection. The Sec-
6 retary shall enable students to submit a
7 form created under this subparagraph that
8 may be downloaded and printed from an
9 electronic file format in order to meet the
10 filing requirements of this section and in
11 order to receive aid from programs under
12 this title.

13 “(iii) REPORTING REQUIREMENT.—
14 The Secretary shall report annually to
15 Congress on the impact of the digital di-
16 vide on students completing applications
17 for title IV aid described under this para-
18 graph and paragraph (4). The Secretary
19 will also report on the steps taken to elimi-
20 nate the digital divide and reduce produc-
21 tion of the paper form described in sub-
22 paragraph (A) of this paragraph. The Sec-
23 retary’s report will specifically address the
24 impact of the digital divide on the fol-
25 lowing student populations: independent

1 students, traditionally underrepresented
2 students, and dependent students.

3 “(4) ELECTRONIC FORMAT.—

4 “(A) IN GENERAL.—The Secretary shall
5 produce, distribute, and process common forms
6 in electronic format to meet the requirements of
7 paragraph (1). The Secretary shall develop
8 common electronic forms for applicants who do
9 not meet the requirements of subparagraph (C)
10 of this paragraph.

11 “(B) STATE DATA.—The Secretary shall
12 include on the common electronic forms space
13 for information that needs to be entered for the
14 applicant to be eligible for State financial as-
15 sistance, as provided under paragraph (6), ex-
16 cept the Secretary shall not require applicants
17 to enter data required by any State other than
18 the applicant’s State of residence.

19 “(C) SIMPLIFIED APPLICATIONS: FAFSA ON
20 THE WEB.—

21 “(i) IN GENERAL.—The Secretary
22 shall develop and use a simplified elec-
23 tronic application form to be used by appli-
24 cants meeting the requirements under sub-
25 sections (b) and (c) of section 479.

1 “(ii) REDUCED DATA REQUIRE-
2 MENTS.—The simplified electronic applica-
3 tion forms shall permit an applicant to
4 submit for financial assistance purposes,
5 only the data elements required to make a
6 determination of whether the applicant
7 meets the requirements under subsection
8 (b) or (c) of section 479.

9 “(iii) STATE DATA.—The Secretary
10 shall include on the simplified electronic
11 application forms such data items as may
12 be necessary to award State financial as-
13 sistance, as provided under paragraph (6),
14 except that the Secretary shall not require
15 applicants to enter data required by any
16 State other than the applicant’s State of
17 residence.

18 “(iv) AVAILABILITY AND PROC-
19 ESSING.—The data collected by means of
20 the simplified electronic application forms
21 shall be available to institutions of higher
22 education, guaranty agencies, and States
23 in accordance with paragraph (9).

1 “(v) TESTING.—The Secretary shall
2 conduct appropriate field testing on the
3 forms developed under this subparagraph.

4 “(D) USE OF FORMS.—Nothing in this
5 subsection shall be construed to prohibit the use
6 of the forms developed by the Secretary pursu-
7 ant to this paragraph by an eligible institution,
8 eligible lender, guaranty agency, State grant
9 agency, private computer software provider, a
10 consortium thereof, or such other entities as the
11 Secretary may designate.

12 “(E) PRIVACY.—The Secretary shall en-
13 sure that data collection under this paragraph
14 complies with section 552a of title 5, United
15 States Code, and that any entity using the elec-
16 tronic version of the forms developed by the
17 Secretary pursuant to this paragraph shall
18 maintain reasonable and appropriate adminis-
19 trative, technical, and physical safeguards to
20 ensure the integrity and confidentiality of the
21 information, and to protect against security
22 threats, or unauthorized uses or disclosures of
23 the information provided on the electronic
24 version of the forms. Data collected by such
25 electronic version of the forms shall be used

1 only for the application, award, and administra-
2 tion of aid awarded under this title, State aid
3 awarded under section 415C, or aid awarded by
4 eligible institutions or such entities as the Sec-
5 retary may designate. No data collected by such
6 electronic version of the forms shall be used for
7 making final aid awards under this title until
8 such data have been processed by the Secretary
9 or a contractor or designee of the Secretary, ex-
10 cept as may be permitted under this title.

11 “(F) SIGNATURE.—Notwithstanding any
12 other provision of this Act, the Secretary may
13 permit an electronic form under this paragraph
14 to be submitted without a signature, if a signa-
15 ture is subsequently submitted by the applicant
16 or if the applicant uses a personal identification
17 number provided by the Secretary under sub-
18 paragraph (G) of this paragraph.

19 “(G) PERSONAL IDENTIFICATION NUM-
20 BERS AUTHORIZED.—The Secretary may assign
21 to applicants personal identification numbers—

22 “(i) to enable the applicants to use
23 such numbers in lieu of a signature for
24 purposes of completing a form under this
25 paragraph;

1 “(ii) to enable the applicants to use
2 such numbers in lieu of a signature for
3 purposes of completing forms required by
4 States under section 415C; and

5 “(iii) for any purpose determined by
6 the Secretary to enable the Secretary to
7 carry out this title.

8 “(H) PERSONAL IDENTIFICATION NUMBER
9 IMPROVEMENT.—The Secretary shall implement
10 a real-time data match between the Social Se-
11 curity Administration and the Department to
12 minimize the time required for an applicant to
13 obtain a personal identification number when
14 applying for aid under this title through an
15 electronic version of a form developed under
16 this paragraph.

17 “(5) STREAMLINING.—

18 “(A) STREAMLINED REAPPLICATION PROC-
19 ESS.—

20 “(i) IN GENERAL.—The Secretary
21 shall develop streamlined reapplication
22 forms and processes, including both paper
23 and electronic reapplication processes, con-
24 sistent with the requirements of this sub-
25 section, for an applicant who applies for fi-

1 nancial assistance under this title in the
2 next succeeding academic year subsequent
3 to the year in which such applicant first
4 applied for financial assistance under this
5 title.

6 “(ii) MECHANISMS FOR REAPPLICA-
7 TION.—The Secretary shall develop appro-
8 priate mechanisms to support reapplica-
9 tion.

10 “(iii) IDENTIFICATION OF UPDATED
11 DATA.—The Secretary shall determine, in
12 cooperation with States, institutions of
13 higher education, agencies, and organiza-
14 tions involved in student financial assist-
15 ance, the data elements that can be up-
16 dated from the previous academic year’s
17 application.

18 “(iv) REDUCED DATA AUTHORIZED.—
19 Nothing in this title shall be construed as
20 limiting the authority of the Secretary to
21 reduce the number of data elements re-
22 quired of reapplicants.

23 “(v) ZERO FAMILY CONTRIBUTION.—
24 Applicants determined to have a zero fam-
25 ily contribution pursuant to section 479(c)

1 shall not be required to provide any finan-
2 cial data in a reapplication form, except
3 that which is necessary to determine eligi-
4 bility under such section.

5 “(B) REDUCTION OF DATA ELEMENTS.—

6 “(i) REDUCTION ENCOURAGED.—Of
7 the number of data elements on the
8 FAFSA on the date of enactment of the
9 College Opportunity and Affordability Act
10 of 2008 (including questions on the
11 FAFSA for the purposes described in
12 paragraph (6)), the Secretary, in coopera-
13 tion with representatives of agencies and
14 organizations involved in student financial
15 assistance, shall continue to reduce the
16 number of such data elements required to
17 be entered by all applicants, with the goal
18 of reducing such number by 50 percent.
19 Reductions of data elements under para-
20 graph (3)(B), (4)(C), or (5)(A)(iv) shall
21 not be counted towards such reduction un-
22 less those data elements are reduced for all
23 applicants.

24 “(ii) REPORT.—The Secretary shall
25 submit a report on the process of this re-

1 duction to each the authorizing committees
2 within 2 years after such date of enact-
3 ment.

4 “(6) STATE REQUIREMENTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 include on the forms developed under this sub-
7 section, such State-specific nonfinancial data
8 items as the Secretary determines are necessary
9 to meet State requirements for need-based
10 State aid under section 415C, except as pro-
11 vided in paragraphs (3)(B)(iii) and (4)(C)(iii)
12 of this subsection. Such items shall be selected
13 in consultation with State agencies that submit
14 applications under section 415C in order to as-
15 sist in the awarding of State financial assist-
16 ance in accordance with the terms of this sub-
17 section, except as provided in paragraphs
18 (3)(B)(iii) and (4)(C)(iii) of this subsection.
19 The number of such data items shall not be less
20 than the number included on the form for the
21 2008–2009 academic year, unless a State noti-
22 fies the Secretary that the State no longer re-
23 quires those data items for the distribution of
24 State need-based aid.

1 “(B) ANNUAL REVIEW.—The Secretary
2 shall conduct an annual review process to deter-
3 mine which forms and nonfinancial data items
4 the States require to award need-based State
5 aid and other application requirements that the
6 States may impose.

7 “(C) STATE USE OF SIMPLIFIED FORMS.—
8 The Secretary shall encourage States to take
9 such steps as necessary to encourage the use of
10 simplified application forms, including those de-
11 scribed in paragraphs (3)(B) and (4)(C), to
12 meet the requirements under subsection (b) or
13 (c) of section 479.

14 “(D) FEDERAL REGISTER NOTICE.—The
15 Secretary shall publish on an annual basis a no-
16 tice in the Federal Register requiring State
17 agencies to inform the Secretary—

18 “(i) if the State agency is unable to
19 permit applicants to utilize the simplified
20 application forms described in paragraphs
21 (3)(B) and (4)(C); and

22 “(ii) of the State-specific nonfinancial
23 data that the State agency requires for de-
24 livery of State need-based financial aid.

1 “(E) STATE NOTIFICATION TO THE SEC-
2 RETARY.—

3 “(i) IN GENERAL.—Each State agency
4 that submits an application under section
5 415C shall notify the Secretary—

6 “(I) whether the State permits
7 an applicant to file a form described
8 in paragraph (3)(B) or (4)(A) of this
9 subsection for purposes of deter-
10 mining eligibility for State need-based
11 grant aid; and

12 “(II) the State-specific non-
13 financial data that the State agency
14 requires for delivery of State need-
15 based financial aid.

16 “(ii) ACCEPTANCE OF FORMS.—In the
17 event that a State does not permit an ap-
18 plicant to file a form described in para-
19 graph (3)(B) or (4)(A) of this subsection
20 for purposes of determining eligibility for
21 State need-based grant aid—

22 “(I) the State shall notify the
23 Secretary if the State is not permitted
24 to do so because of either State law or
25 because of agency policy; and

1 “(II) the notification under sub-
2 clause (I) shall include an estimate of
3 the program cost to permit applicants
4 to complete simplified application
5 forms under paragraphs (3)(B) and
6 (4)(A) of this subsection.

7 “(iii) LACK OF NOTIFICATION BY THE
8 STATE.—If a State does not notify the
9 Secretary pursuant to clause (i), the Sec-
10 retary shall—

11 “(I) permit residents of that
12 State to complete simplified applica-
13 tion forms under paragraphs (3)(B)
14 and (4)(A) of this subsection; and

15 “(II) not require any resident of
16 that State to complete any non-
17 financial data previously required by
18 that State under this section.

19 “(7) CHARGES TO STUDENTS AND PARENTS
20 FOR USE OF FORMS PROHIBITED.—

21 “(A) FEES PROHIBITED.—The FAFSA, in
22 whatever form (including the EZ FAFSA,
23 paper, electronic, simplified, or reapplication),
24 shall be produced, distributed, and processed by
25 the Secretary and no parent or student shall be

1 charged a fee for the collection, processing, or
2 delivery of financial aid through the use of the
3 FAFSA. The need and eligibility of a student
4 for financial assistance under parts A through
5 E of this title (other than under subpart 4 of
6 part A) may only be determined by using the
7 FAFSA developed by the Secretary pursuant to
8 this subsection. No student may receive assist-
9 ance under parts A through E of this title
10 (other than under subpart 4 of part A), except
11 by use of the FAFSA developed by the Sec-
12 retary pursuant to this subsection. No data col-
13 lected on a form for which a fee is charged shall
14 be used to complete the FAFSA.

15 “(B) NOTICE.—Any entity that provides to
16 students and parents, or charges students or
17 parents for, any value-added services with re-
18 spect to or in connection with the FAFSA, such
19 as completion of the FAFSA, submission of the
20 FAFSA, or tracking of the FAFSA for a stu-
21 dent, shall provide to students and parents
22 clear and conspicuous notice that—

23 “(i) the FAFSA is a free Federal stu-
24 dent aid application;

1 “(ii) the FAFSA can be completed
2 without professional assistance; and

3 “(iii) includes the current Internet ad-
4 dress for the FAFSA on the Department’s
5 web site.

6 “(8) APPLICATION PROCESSING CYCLE.—The
7 Secretary shall enable students to submit a form
8 created under this subsection in order to meet the
9 filing requirements of this section and in order to re-
10 ceive aid from programs under this title and shall
11 initiate the processing of applications under this
12 subsection as early as practicable prior to October
13 15 of the year prior to the student’s planned year
14 of enrollment.”;

15 (2) by adding at the end of subsection (a) the
16 following paragraph:

17 “(13) EARLY APPLICATION AND AWARD DEM-
18 ONSTRATION PROGRAM.—

19 “(A) PROGRAM REQUIRED.—The Secretary
20 shall, no later than two years after the date of
21 the enactment of the College Opportunity and
22 Affordability Act of 2008, implement an early
23 application demonstration program enabling de-
24 pendent students to—

1 “(i) complete applications under this
2 subsection in such students’ junior year of
3 secondary school, or in the academic year
4 that is 2 years prior to such students’ in-
5 tended year of enrollment at an institution
6 of higher education;

7 “(ii) receive an estimate of such stu-
8 dents’ financial aid awards;

9 “(iii) update, in the year prior to such
10 students’ planned year of enrollment, the
11 information contained in an application
12 submitted under clause (i), using the proc-
13 ess described in paragraph (5) to deter-
14 mine such students’ final financial aid
15 awards; and

16 “(iv) receive final financial aid awards
17 based on updated information described in
18 clause (iii).

19 “(B) PURPOSE AND OBJECTIVES.—The
20 purpose of the demonstration program under
21 this paragraph shall be to measure the benefits,
22 in terms of student aspirations and plans to at-
23 tend college, and the adverse effects, in terms
24 of program costs, integrity, distribution, and
25 delivery of aid under this title, of implementing

1 an early application system for all dependent
2 students that allows dependent students to
3 apply for financial aid using information from
4 the year prior to the year prior to enrollment.
5 Additional objectives associated with implemen-
6 tation of the demonstration program are the
7 following:

8 “(i) Measure the feasibility of ena-
9 bling dependent students to apply for Fed-
10 eral, State, and institutional financial aid
11 in their junior year of high school, using
12 information from the year prior to the year
13 prior to enrollment, by completing any of
14 the application forms under this sub-
15 section.

16 “(ii) Identify whether receiving final
17 financial aid awards no later than the fall
18 of the senior year provides students with
19 additional time to compete for the limited
20 resources available for State and institu-
21 tional financial aid and positively impacts
22 the college aspirations and plans of these
23 students.

1 “(iii) Measure the impact of using in-
2 come information from the years prior to
3 enrollment on—

4 “(I) eligibility for financial aid
5 under this title and for other State
6 and institutional aid; and

7 “(II) the cost of financial aid
8 programs under this title.

9 “(iv) Effectively evaluate the benefits
10 and adverse effects of the demonstration
11 program on program costs, integrity, dis-
12 tribution, and delivery of aid.

13 “(C) PARTICIPANTS.—The Secretary shall
14 select States and institutions within those
15 States to participate in the demonstration pro-
16 gram under this paragraph that are partici-
17 pating in the programs under this title and that
18 are willing to make final financial aid awards to
19 students based on their application information
20 from the year prior to the year prior to enroll-
21 ment. The Secretary shall also select as partici-
22 pants in the demonstration program secondary
23 schools and dependent students that are located
24 in the participating States.

1 “(D) APPLICATION PROCESS.—The Sec-
2 retary shall insure that the following provisions
3 are included in the demonstration program:

4 “(i) Participating States and institu-
5 tions shall—

6 “(I) encourage participating stu-
7 dents to apply for estimates of finan-
8 cial aid awards as provided under this
9 title in such students’ junior year of
10 secondary school, or in the academic
11 year that is 2 years prior to such stu-
12 dents’ intended year of enrollment at
13 an institution of higher education,
14 using the most recent information
15 available; and

16 “(II) make final financial aid
17 awards to participating students
18 based on the updated information con-
19 tained on a form submitted using the
20 process described in paragraph (5).

21 “(ii) Financial aid administrators at
22 participating institutions shall be allowed
23 to use their discretion in awarding finan-
24 cial aid to participating students, as out-

1 lined under section 479A and section
2 480(d)(7).

3 “(E) EVALUATION.—The Secretary shall
4 conduct a rigorous evaluation of this dem-
5 onstration program in order to measure its ben-
6 efits and adverse effects as indicated under sub-
7 paragraph (A).

8 “(F) OUTREACH.—The Secretary shall
9 make appropriate efforts in order to notify
10 States of the demonstration program under this
11 paragraph. Upon determination of participating
12 States, the Secretary shall continue to make ef-
13 forts to notify institutions and dependent stu-
14 dents within participating States of the oppor-
15 tunity to participate in the demonstration pro-
16 gram and of the participation requirements.

17 “(G) CONSULTATION.—The Secretary shall
18 consult with the Advisory Committee on Stu-
19 dent Financial Assistance, established under
20 section 491, on the design and implementation
21 of the demonstration program and on the eval-
22 uation described in subparagraph (E).”;

23 (3) by striking subsection (b); and

24 (4) by redesignating subsections (c), (d), and
25 (e) as subsections (b), (c), and (d), respectively.

1 (b) MASTER CALENDAR.—Section 482(a)(1) (20
2 U.S.C. 1089(a)(1)) is amended by striking subparagraphs
3 (B) and (C) and inserting the following:

4 “(B) by March 1: proposed modifications,
5 updates, and notices pursuant to sections 478
6 and 483(a)(6) published in the Federal Reg-
7 ister;

8 “(C) by June 1: final modifications, up-
9 dates, and notices pursuant to sections 478 and
10 483(a)(6) published in the Federal Register;”.

11 (c) MODEL INSTITUTION FINANCIAL AID OFFER
12 FORM.—

13 (1) REPORT AND MODEL FORMAT.—Not later
14 than 1 year after the date of enactment of the Col-
15 lege Opportunity and Affordability Act of 2008, the
16 Secretary shall—

17 (A) prepare a report on the adequacy of
18 the financial aid offer forms provided by insti-
19 tutions of higher education to students and the
20 parents of such students, after consulting
21 with—

22 (i) students;

23 (ii) parents of students;

24 (iii) representatives of institutions of
25 higher education (including financial aid

1 administrators, registrars, and business of-
2 ficers); and

3 (iv) consumer groups that receive no
4 commercial or institution of higher edu-
5 cation support;

6 (B) include in the report a model format
7 for financial aid offer forms that—

8 (i) is based on the report's findings;
9 and

10 (ii) includes the information described
11 in paragraph (2); and

12 (C)(i) submit the report and model format
13 to the authorizing committees (as defined in
14 section 103 of the Higher Education Act of
15 1965 (20 U.S.C. 1003); and

16 (ii) make the report and model format
17 available to institutions of higher education,
18 lenders, and the public.

19 (2) MODEL FORMAT CONTENTS.—The model fi-
20 nancial aid offer format developed under paragraph
21 (1) shall present, in a consumer-friendly manner, the
22 following information:

23 (A) The student's cost of attendance for
24 the year for which the institution of higher edu-
25 cation is issuing the financial aid offer form, in-

cluding the actual or estimated costs included
in the cost of attendance for such year for each
of the following:

(i) Tuition and fees.

(ii) Room and board costs.

(iii) Books and supplies.

(iv) Transportation.

(B) The amount of financial aid that the
student does not have to repay, such as scholar-
ships and grants, offered to the student for
such year.

(C) The conditions under which the finan-
cial aid described in subparagraph (B) is renew-
able each year.

(D) The amount of work-study assistance
offered to the student for such year, and the
conditions under which the student has to fulfill
the work-study assistance.

(E) The types and amounts of loans under
part B, D, or E of title IV for which the stu-
dent is eligible for such year, and the interest
rate, loan term, monthly repayment amount,
and total repayment amount of each such loan.

(F) The types and amounts of loans under
428B or Federal Direct PLUS loans under sec-

tion 455 for which a parent of the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(G) The net amount that the student or the student's parent will have to pay to attend the institution for such year, which amount shall be the difference between—

(i) the cost of attendance for the student for such year; less

(ii) the amount of financial aid offered by the covered institution in the financial aid offer form.

(H) Where a student or the student's parent can seek additional information regarding the financial aid offered.

(I) Any other information the Secretary determines necessary so that students and parents can make informed student loan borrowing decisions.

SEC. 483. INCREASING ACCESS TO TECHNOLOGY.

Section 483 (20 U.S.C. 1087ss) is further amended by adding at the end the following:

“(e) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more appli-

1 cants to the electronic forms described in subsection (a)(4)
2 to improve access to the electronic forms described in sub-
3 section (a)(4) for applicants meeting the requirements of
4 section 479(b) or (c).”.

5 **SEC. 484. SENSE OF THE CONGRESS.**

6 It is the sense of the Congress that—

7 (1) in order to simplify the Free Application for
8 Federal Student Aid (FAFSA), which serves as an
9 entry point for the scholarships, grants, loans, and
10 work-study assistance that make it possible for mil-
11 lions of students to attend college, the Secretary of
12 Education and the Secretary of the Treasury should
13 work together to develop a process by which the De-
14 partment of Education will, with the aid applicant’s
15 permission, draw income information directly from
16 the Internal Revenue Service for the purpose of com-
17 pleting the EZ FAFSA, the FAFSA, and FAFSA
18 renewal applications and providing early estimates of
19 aid eligibility; and

20 (2) this process would—

21 (A) ease the burden of reporting income-
22 related information for applicants;

23 (B) increase the efficiency, accuracy, and
24 security of the FAFSA filing process;

1 (C) significantly reduce the need for fur-
 2 ther verification by the Department of Edu-
 3 cation, institutions, and applicants; and

4 (D) protect the security, privacy, and safe-
 5 ty of all data used in the FAFSA filing process.

6 **SEC. 485. STUDENT ELIGIBILITY.**

7 (a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is
 8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (4)(B), by striking “the
 11 Republic of the Marshall Islands, the Federated
 12 States of Micronesia, or”; and

13 (B) in paragraph (5), by striking “a cit-
 14 izen of any one of the Freely Associated
 15 States” and inserting “or, to the extent de-
 16 scribed in subsection (j), a citizen of the Repub-
 17 lic of Palau”;

18 (2) by amending subsection (j) to read as fol-
 19 lows:

20 “(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR
 21 STUDENTS FROM PALAU.—Notwithstanding any other
 22 provision of law, a student shall be eligible until Sep-
 23 tember 30, 2009, for assistance under subpart 1 of part
 24 A if the student is otherwise qualified and—

1 “(1) is a citizen of the Republic of Palau and
2 attends an institution of higher education in a State
3 or a public or nonprofit private institution of higher
4 education in the Freely Associated States; or

5 “(2) meets the requirements of subsection
6 (a)(5) and attends a public or nonprofit private in-
7 stitution of higher education in any one of the Free-
8 ly Associated States.”;

9 (3) by striking subsection (l) and inserting the
10 following:

11 “(l) COURSES OFFERED THROUGH DISTANCE EDU-
12 CATION.—

13 “(1) RELATION TO CORRESPONDENCE
14 COURSES.—

15 “(A) IN GENERAL.—A student enrolled in
16 a course of instruction at an institution of high-
17 er education that is offered principally through
18 distance education and leads to a recognized
19 certificate, or associate, baccalaureate, or grad-
20 uate degree, conferred by such institution, shall
21 not be considered to be enrolled in correspond-
22 ence courses.

23 “(B) EXCEPTION.—An institution of high-
24 er education referred to in subparagraph (A)
25 shall not include an institution or school de-

1 scribed in section 3(3)(C) of the Carl D. Per-
2 kins Career and Technical Education Act of
3 2006.

4 “(2) RESTRICTION OR REDUCTIONS OF FINAN-
5 CIAL AID.—A student’s eligibility to receive grants,
6 loans, or work assistance under this title shall be re-
7 duced if a financial aid officer determines under the
8 discretionary authority provided in section 479A
9 that distance education results in a substantially re-
10 duced cost of attendance to such student.

11 “(3) SPECIAL RULE.—For award years prior to
12 July 1, 2008, the Secretary shall not take any com-
13 pliance, disallowance, penalty, or other action
14 against a student or an eligible institution when
15 such action arises out of such institution’s prior
16 award of student assistance under this title if the in-
17 stitution demonstrates to the satisfaction of the Sec-
18 retary that its course of instruction would have been
19 in conformance with the requirements of this sub-
20 section.”;

21 (4) in subsection (r)(2)—

22 (A) in subparagraph (A), by striking “or”
23 at the end of clause (ii);

24 (B) by redesignating subparagraph (B) as
25 subparagraph (C); and

1 (C) by inserting after subparagraph (A)
2 the following new subparagraph:

3 “(B) the student successfully passes two
4 unannounced drug tests conducted by a drug
5 rehabilitation program that complies with such
6 criteria as the Secretary shall prescribe in regu-
7 lations for purposes of subparagraph (A)(i);
8 or”; and

9 (5) by adding at the end the following:

10 “(s) STUDENTS WITH INTELLECTUAL DISABIL-
11 ITIES.—

12 “(1) IN GENERAL.—Notwithstanding sub-
13 sections (a), (c), and (d), in order to receive any
14 grant or work assistance under section 401, subpart
15 3 of part A, and part C of this title, a student with
16 an intellectual disability (as defined in section
17 768(2)) shall—

18 “(A) be enrolled or accepted for enrollment
19 in a comprehensive transition and postsec-
20 ondary education program for students with in-
21 tellectual disabilities at an institution of higher
22 education;

23 “(B) be maintaining satisfactory progress
24 in the program as determined by the institu-

1 tion, in accordance with standards established
2 by the institution; and

3 “(C) meet the requirements of paragraphs
4 (3), (4), (5), and (6) of subsection (a).

5 “(2) AUTHORITY.—Notwithstanding any other
6 provision of law, unless enacted with specific ref-
7 erence to this section, the Secretary is authorized to
8 waive any statutory provision applicable to the stu-
9 dent financial assistance programs under section
10 401, subpart 3 of part A, or part C of this title, or
11 any institutional eligibility provisions of this title, as
12 the Secretary deems necessary to ensure that pro-
13 grams enrolling students with intellectual disabilities
14 otherwise determined to be eligible under this sub-
15 section may receive such financial assistance.

16 “(3) REGULATIONS.—Notwithstanding regula-
17 tions applicable to grant or work assistance awards
18 made under section 401 of part A, subpart 3 of part
19 A, and part C of this title, including with respect to
20 eligible programs, instructional time, credit status,
21 and enrollment status as described in section 481,
22 the Secretary shall promulgate regulations allowing
23 programs enrolling students with intellectual disabili-
24 ties otherwise determined to be eligible under this
25 subsection to receive such awards.

1 “(t) DATA ANALYSIS ON ACCESS TO FEDERAL STU-
2 DENT AID FOR CERTAIN POPULATIONS.—

3 “(1) DEVELOPMENT OF THE SYSTEM.—Within
4 one year of enactment of the College Opportunity
5 and Affordability Act of 2008, the Secretary shall,
6 in consultation with the Central Processing System,
7 analyze data from the FAFSA containing informa-
8 tion regarding the number, characteristics, and cir-
9 cumstances of students denied Federal student aid
10 based on a drug conviction while receiving Federal
11 aid.

12 “(2) RESULTS FROM ANALYSIS.—The results
13 from the analysis of such information shall be made
14 available on a continuous basis via the Department
15 of Education website and the Digest of Education
16 and Statistics.

17 “(3) DATA UPDATING.—The data analyzed
18 under this subsection shall be updated at the begin-
19 ning of each award year and at least one additional
20 time during such award year.

21 “(4) REPORT TO CONGRESS.—The Secretary
22 shall prepare and submit to the authorizing commit-
23 tees of the Congress, in each fiscal year, a report de-
24 scribing the results obtained by the establishment

1 and operation of the data system authorized by this
2 subsection.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take affect on July 1, 2009.

5 **SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.**

6 Section 484A(b) (20 U.S.C. 1091a(b)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2) and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(3) in collecting any obligation arising from a
14 loan made under part E of this title, an institution
15 of higher education that has an agreement with the
16 Secretary pursuant to section 463(a) shall not be
17 subject to a defense raised by any borrower based on
18 a claim of infancy.”.

19 **SEC. 487. READMISSION REQUIREMENTS FOR**
20 **SERVICEMEMBERS.**

21 Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is
22 amended by adding at the end the following new subpara-
23 graph:

“(C) READMISSION REQUIREMENTS FOR
SERVICEMEMBERS.—Any institution of higher
education that requires any student—

“(i) who is a member of the Armed
Forces of the United States, or a member
of such Armed Forces in a retired status,
including members of the National Guard
or other reserve component,

“(ii) who is on active duty, or is called
or ordered to active duty (as defined in
section 481(d)), and

“(iii) whose attendance at such insti-
tution is interrupted by such active duty,
to apply for readmission to such institution of
higher education after the conclusion of such
active duty shall submit to the Secretary a
statement justifying such requirement.”.

**SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-
FORMATION FOR STUDENTS.**

(a) DISCLOSURE OF POLICIES.—Section 485(a) (20
U.S.C. 1092(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking “pro-
gram, and”;

1 (B) by striking “and” at the end of sub-
2 paragraph (N);

3 (C) by striking the period at the end of
4 subparagraph (O) and inserting a semicolon;
5 and

6 (D) by adding at the end the following new
7 subparagraphs:

8 “(P) institutional policies and sanctions re-
9 lated to copyright infringement, including—

10 “(i) an annual disclosure that explic-
11 itly informs students that unauthorized
12 distribution of copyrighted material, in-
13 cluding unauthorized peer-to-peer file shar-
14 ing, may subject the students to civil and
15 criminal liabilities;

16 “(ii) a summary of the penalties for
17 violation of Federal copyright laws;

18 “(iii) a description of the institution’s
19 policies with respect to unauthorized peer-
20 to-peer file sharing, including disciplinary
21 actions that are taken against students
22 who engage in unauthorized distribution of
23 copyrighted materials using the institu-
24 tion’s information technology system; and

1 “(iv) a description of actions that the
2 institution takes to prevent and detect un-
3 authorized distribution of copyrighted ma-
4 terial on the institution’s information tech-
5 nology system; and

6 “(Q) institutional policies regarding
7 meningoccal vaccinations which may include of-
8 fering the vaccinations through the institution
9 at a cost to the student.”; and

10 (2) by amending paragraph (4) to read as fol-
11 lows:

12 “(4) For purposes of this section, institutions
13 may—

14 “(A) exclude from the information dis-
15 closed in accordance with subparagraph (L) of
16 paragraph (1) the completion or graduation
17 rates of students who leave school to serve in
18 the Armed Forces, on official church missions,
19 or with a recognized foreign aid service of the
20 Federal Government; or

21 “(B) in cases in which the students de-
22 scribed in subparagraph (A) represent 20 per-
23 cent or more of the certificate- or degree-seek-
24 ing, full-time, undergraduate students at an in-
25 stitution, the institution may recalculate the

1 completion or graduation rates of such students
2 by excluding from the calculation described in
3 paragraph (3) the time period during which
4 such students were not enrolled due to the serv-
5 ice described in subparagraph (A) of this para-
6 graph.”.

7 (b) CRIMINAL OFFENSES REPORTED.—Section
8 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

9 (1) in the matter preceding subparagraph (A),
10 by inserting “, other than a foreign institution of
11 higher education,” after “under this title”;

12 (2) in subparagraph (C), by striking clauses (i)
13 and (ii) and inserting the following:

14 “(i) the law enforcement authority of
15 campus security personnel;

16 “(ii) the working relationship of cam-
17 pus security personnel with State and local
18 law enforcement agencies, including wheth-
19 er or not the institution has a written
20 agreement, such as a memorandum of un-
21 derstanding, with such agencies;

22 “(iii) the institution’s plan, which
23 shall address coordination with State and
24 local law enforcement agencies, for the in-
25 vestigation of—

1 “(I) any felony described in sub-
2 paragraph (F) of this paragraph oc-
3 curring in the areas described in sub-
4 paragraphs (A) through (D) of para-
5 graph (12) of this subsection; and

6 “(II) a report of a missing stu-
7 dent; and

8 “(iv) policies which encourage accu-
9 rate and prompt reporting of all crimes to
10 the campus police and the appropriate po-
11 lice agencies;”;

12 (3) in subparagraph (F)(ii), by inserting after
13 “through (VIII) of clause (I)” the following: “, and
14 for larceny-theft, simple assault, intimidation, and
15 destruction, damage, or vandalism of property,”; and

16 (4) by adding at the end the following new sub-
17 paragraph:

18 “(J) A statement of current campus poli-
19 cies regarding immediate emergency response
20 and evacuation procedures, including the use of
21 electronic and cellular communication (if appro-
22 priate), which shall include procedures—

23 “(i) to notify the campus community
24 in not more than 30 minutes in the event
25 of a significant emergency or dangerous

1 situation, involving an immediate threat to
2 the health or safety of students or staff,
3 occurring on the campus, in or on noncam-
4 pus buildings or property, and on public
5 property;

6 “(ii) to publicize emergency response
7 and evacuation procedures on an annual
8 basis in a manner designed to reach stu-
9 dents and staff; and

10 “(iii) to test emergency response and
11 evacuation procedures on an annual
12 basis.”.

13 (c) ADDITIONAL AMENDMENT.—Section 485(f) is
14 further amended—

15 (1) by redesignating paragraph (15) as para-
16 graph (18); and

17 (2) by inserting after paragraph (14) the fol-
18 lowing:

19 “(15) COMPLIANCE REPORT.—The Secretary
20 shall annually report to the authorizing committees
21 regarding compliance with this subsection by institu-
22 tions of higher education, including an up-to-date re-
23 port on the Secretary’s monitoring of such compli-
24 ance.

1 “(16) BEST PRACTICES.—The Secretary may
2 seek the advice and counsel of the Attorney General
3 concerning the development, and dissemination to
4 institutions of higher education, of best practices in-
5 formation about campus safety and emergencies.

6 “(17) RETALIATION PROHIBITED.—No partici-
7 pating institution or officer, employee, or agent of
8 the institution shall intimidate, threaten, coerce, or
9 otherwise discriminate against any individual for the
10 purpose of interfering with the implementation of
11 any provision of this subsection, or any rights or
12 privileges accorded under this subsection, or because
13 the individual has complained, testified, assisted, or
14 otherwise participated in any aspect of an investiga-
15 tion, proceeding, or hearing.”.

16 (d) ADDITIONAL REQUIREMENTS.—Section 485 (20
17 U.S.C. 1092) is amended by adding at the end the fol-
18 lowing new subsections:

19 “(h) TRANSFER OF CREDIT POLICIES.—

20 “(1) DISCLOSURE.—Each institution of higher
21 education participating in any program under this
22 title shall publicly disclose in a readable and com-
23 prehensible manner the transfer of credit policies es-
24 tablished by the institution which shall include a

1 statement of the institution's current transfer of
2 credit policies that includes, at a minimum—

3 “(A) any established criteria the institution
4 uses regarding the transfer of credit earned at
5 another institution of higher education; and

6 “(B) a list of institutions of higher edu-
7 cation with which the institution has established
8 an articulation agreement.

9 “(2) RULE OF CONSTRUCTION.—Nothing in
10 this subsection shall be construed to—

11 “(A) authorize the Secretary or the Na-
12 tional Advisory Committee on Institutional
13 Quality and Integrity to require particular poli-
14 cies, procedures, or practices by institutions of
15 higher education with respect to transfer of
16 credit;

17 “(B) authorize an officer or employee of
18 the Department to exercise any direction, su-
19 pervision, or control over the curriculum, pro-
20 gram of instruction, administration, or per-
21 sonnel of any institution of higher education, or
22 over any accrediting agency or association;

23 “(C) limit the application of the General
24 Education Provisions Act; or

1 “(D) create any legally enforceable right
2 on the part of a student to require an institu-
3 tion of higher education to accept a transfer of
4 credit from another institution.

5 “(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND
6 MEASURES.—

7 “(1) ANNUAL FIRE SAFETY REPORTS ON STU-
8 DENT HOUSING REQUIRED.—Each eligible institu-
9 tion participating in any program under this title
10 that maintains on-campus student housing facilities
11 shall, on an annual basis, publish a fire safety re-
12 port, which shall contain information with respect to
13 the campus fire safety practices and standards of
14 that institution, including—

15 “(A) statistics concerning the following in
16 each on-campus student housing facility during
17 the most recent calendar years for which data
18 are available:

19 “(i) the number of fires and the cause
20 of each fire;

21 “(ii) the number of injuries related to
22 a fire that result in treatment at a medical
23 facility;

24 “(iii) the number of deaths related to
25 a fire; and

1 “(iv) the value of property damage
2 caused by a fire;

3 “(B) a description of each on-campus stu-
4 dent housing facility fire safety system, includ-
5 ing the fire sprinkler system;

6 “(C) the number of regular mandatory su-
7 pervised fire drills;

8 “(D) policies or rules on portable electrical
9 appliances, smoking, and open flames (such as
10 candles), procedures for evacuation, and policies
11 regarding fire safety education and training
12 programs provided to students, faculty, and
13 staff; and

14 “(E) plans for future improvements in fire
15 safety, if determined necessary by such institu-
16 tion.

17 “(2) REPORT TO THE SECRETARY.—Each eligi-
18 ble institution participating in any program under
19 this title shall, on an annual basis submit to the Sec-
20 retary a copy of the statistics required to be made
21 available under subparagraph (A).

22 “(3) CURRENT INFORMATION TO CAMPUS COM-
23 MUNITY.—Each institution participating in any pro-
24 gram under this title shall—

1 “(A) make, keep, and maintain a log, re-
2 cording all fires in on-campus student housing
3 facilities, including the nature, date, time, and
4 general location of each fire; and

5 “(B) make annual reports to the campus
6 community on such fires.

7 “(4) RESPONSIBILITIES OF THE SECRETARY.—
8 The Secretary shall—

9 “(A) make such statistics submitted to the
10 Secretary available to the public; and

11 “(B) in coordination with nationally recog-
12 nized fire organizations and representatives of
13 institutions of higher education, representatives
14 of associations of institutions of higher edu-
15 cation, and other organizations that represent
16 and house a significant number of students—

17 “(i) identify exemplary fire safety
18 policies, procedures, programs, and prac-
19 tices;

20 “(ii) disseminate information to the
21 Administrator of the United States Fire
22 Administration;

23 “(iii) make available to the public in-
24 formation concerning those policies, proce-
25 dures, programs, and practices that have

1 proven effective in the reduction of fires;

2 and

3 “(iv) develop a protocol for institu-
4 tions to review the status of their fire safe-
5 ty systems.

6 “(5) RULES OF CONSTRUCTION.—Nothing in
7 this subsection shall be construed to—

8 “(A) authorize the Secretary to require
9 particular policies, procedures, programs, or
10 practices by institutions of higher education
11 with respect to fire safety, other than with re-
12 spect to the collection, reporting, and dissemi-
13 nation of information required by this sub-
14 section;

15 “(B) affect the Family Educational Rights
16 and Privacy Act of 1974 or the regulations
17 issued under section 264 of the Health Insur-
18 ance Portability and Accountability Act of 1996
19 (42 U.S.C. 1320d–2 note);

20 “(C) create a cause of action against any
21 institution of higher education or any employee
22 of such an institution for any civil liability; or

23 “(D) establish any standard of care.

24 “(6) COMPLIANCE REPORT.—The Secretary
25 shall annually report to the authorizing committees

1 regarding compliance with this subsection by institu-
2 tions of higher education, including an up-to-date re-
3 port on the Secretary's monitoring of such compli-
4 ance.

5 “(7) EVIDENCE.—Notwithstanding any other
6 provision of law, evidence regarding compliance or
7 noncompliance with this subsection shall not be ad-
8 missible as evidence in any proceeding of any court,
9 agency, board, or other entity, except with respect to
10 an action to enforce this subsection.

11 “(8) RETALIATION PROHIBITED.—No partici-
12 pating institution or officer, employee, or agent of
13 the institution shall intimidate, threaten, coerce, or
14 otherwise discriminate against any individual for the
15 purpose of interfering with the implementation of
16 any provision of this subsection, or any rights or
17 privileges accorded under this subsection, or because
18 the individual has complained, testified, assisted, or
19 otherwise participated in any aspect of an investiga-
20 tion, proceeding, or hearing.

21 “(j) MISSING PERSON PROCEDURES.—

22 “(1) FORM AND PROTOCOLS.—Each institution
23 of higher education participating in any program
24 under this title shall—

1 “(A) include on its form for registration or
2 enrollment of students an item in which the
3 student can elect to identify an individual to be
4 notified and police to be notified by the univer-
5 sity within 24 hours of when a student is re-
6 ported missing to the university, and

7 “(B) establish protocols for missing stu-
8 dents that—

9 “(i) require any missing person report
10 relating to any student be referred to the
11 institution’s police or campus security de-
12 partment; and

13 “(ii) if, on investigation of the report,
14 such department determines that the miss-
15 ing person has been missing for more than
16 24 hours, require—

17 “(I) such department to refer to
18 the item on the registration document
19 required under subparagraph (A) and
20 contact the individual named by the
21 student in such item; and

22 “(II) if the student is under 18
23 years of age, the institution of higher
24 education to automatically contact the
25 parents of such student.

1 “(2) WAIVER.—The item required by paragraph
2 (1)(A) shall explicitly and prominently state that by
3 identifying an individual to contact in the case of
4 disappearance, the student waives any right to sue
5 based on Federal or State privacy law in the event
6 that a missing persons notification is made to the in-
7 dividual named by such student in such item.

8 “(3) ADDITIONAL REMEDIES PERMITTED.—
9 Nothing in this subsection shall be construed to pre-
10 vent or discourage an institution of higher education
11 from taking additional measures with respect to
12 missing students beyond those required by this sub-
13 section.

14 “(k) NOTICE TO STUDENTS CONCERNING PEN-
15 ALTIES FOR DRUG VIOLATIONS.—

16 “(1) NOTICE UPON ENROLLMENT.—Each insti-
17 tution of higher education shall provide to each stu-
18 dent, upon enrollment, a separate, clear, and con-
19 spicuous written notice that advises the student of
20 the penalties under section 484(r).

21 “(2) NOTICE AFTER LOSS OF ELIGIBILITY.—
22 Within two weeks of notification by the Secretary
23 that a student has lost eligibility under section
24 484(r) for any grant, loan, or work assistance, an
25 institution of higher education shall provide to each

1 such student affected by the penalties listed under
2 484(r)(1) a separate, clear, and conspicuous written
3 notice that notifies the student of the loss of eligi-
4 bility and advises the student of the ways in which
5 the student can regain eligibility under section
6 484(r)(2).”.

7 (e) DISCLOSURE OF ATHLETICALLY RELATED GRAD-
8 UATION RATES.—Section 485(e)(3) (20 U.S.C.
9 1092(e)(3)) is amended to read as follows:

10 “(3) For purposes of this subsection, institu-
11 tions may—

12 “(A) exclude from the reporting require-
13 ments under paragraphs (1) and (2) the com-
14 pletion or graduation rates of students and stu-
15 dent athletes who leave school to serve in the
16 Armed Forces, on official church missions, or
17 with a recognized foreign aid service of the Fed-
18 eral Government; or

19 “(B) in cases in which the students de-
20 scribed in subparagraph (A) represent 20 per-
21 cent or more of the certificate- or degree-seek-
22 ing, full-time, undergraduate students at an in-
23 stitution, the institution may calculate the com-
24 pletion or graduation rates of such students by
25 excluding from the calculations described in

1 paragraph (1) the time period during which
2 such students were not enrolled due to the serv-
3 ice described in subparagraph (A) of this para-
4 graph.”.

5 **SEC. 489. ARTICULATION AGREEMENTS.**

6 Part G of title IV is amended by inserting after sec-
7 tion 486 (20 U.S.C. 1093) the following new section:

8 **“SEC. 486A. ARTICULATION AGREEMENTS.**

9 “(a) PROGRAM TO ENCOURAGE ARTICULATION
10 AGREEMENTS.—

11 “(1) PROGRAM ESTABLISHED.—The Secretary
12 shall carry out a program for States, in cooperation
13 with public institutions of higher education, to de-
14 velop, enhance, and implement comprehensive articu-
15 lation agreements among such institutions in a
16 State, and (to the extent practicable) across State
17 lines, by 2010. Such articulation agreements shall be
18 made widely and publicly available on the websites
19 of States and institutions. In developing, enhancing,
20 and implementing articulation agreements, States
21 and public institutions of higher education may em-
22 ploy strategies, where applicable, including—

23 “(A) common course numbering;

24 “(B) a general education core curriculum;

1 “(C) management systems regarding
2 course equivalency, transfer of credit, and ar-
3 ticulation; and

4 “(D) other strategies identified by the Sec-
5 retary.

6 “(2) TECHNICAL ASSISTANCE PROVIDED.—The
7 Secretary shall provide technical assistance to States
8 and institutions of higher education for the purposes
9 of developing and implementing articulation agree-
10 ments in accordance with this subsection.

11 “(3) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed to authorize the
13 Secretary to require particular policies, procedures,
14 or practices by institutions of higher education with
15 respect to articulation agreements.

16 “(b) STUDY REQUIRED.—The Secretary shall con-
17 duct a study to review the articulation agreements at
18 State-based college and university systems, including jun-
19 ior or community colleges, as well as those at other institu-
20 tions of higher education. Such study shall consider—

21 “(1) the extent to which States and institutions
22 have developed and implemented articulation agree-
23 ments;

24 “(2) with respect to the articulation agreements
25 developed—

1 “(A) the number and types of institutions
2 participating the programs offered;

3 “(B) the cost-savings to the participating
4 institutions and to the students;

5 “(C) what strategies are being employed,
6 including common course numbering, general
7 education core curriculum, and management
8 systems;

9 “(D) the effective use of technologies to
10 contain costs, maintain quality of instruction,
11 and inform students; and

12 “(E) a description of the students to whom
13 the articulation agreements are offered and, to
14 the extent practicable, a description of the stu-
15 dents who take advantage of the articulation
16 agreements;

17 “(3) best practices and innovative strategies
18 employed to implement effective articulation agree-
19 ments; and

20 “(4) barriers to the implementation of articula-
21 tion agreements, including technological and infor-
22 mational barriers.

23 “(c) REPORT.—The Secretary shall submit to the au-
24 thorizing committees an interim report on the study re-
25 quired by this section not later than 2 years after the date

1 of enactment of the College Opportunity and Affordability
2 Act of 2008 and a final report on such study not later
3 than January 1, 2013.

4 “(d) DEFINITION.—In this section, the term ‘articu-
5 lation agreement’ means an agreement between institu-
6 tions of higher education that specifies the acceptability
7 of courses in transfer toward meeting specific degree or
8 program requirements.”.

9 **SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.**

10 (a) ADDITIONAL REQUIREMENTS.—Section 487(a)
11 (20 U.S.C. 1094(a)) is amended—

12 (1) by adding at the end of paragraph (23) the
13 following new subparagraph:

14 “(D) The institution shall be considered in com-
15 pliance with the requirements of subparagraph (A)
16 for each student to whom the institution electroni-
17 cally transmits a message containing a voter reg-
18 istration form acceptable for use in the State in
19 which the institution is located, or an Internet ad-
20 dress where such a form can be downloaded, pro-
21 vided such information is in an electronic message
22 devoted exclusively to voter registration.”; and

23 (2) by adding at the end the following new
24 paragraphs:

1 “(24)(A) A covered institution that has entered
2 into a preferred lender arrangement will compile,
3 maintain, and make available for students attending
4 the institution (or the parents of such students) a
5 list, in print or any other medium, of the specific
6 lenders for educational loans that the institution rec-
7 ommends, promotes, or endorses in accordance with
8 such preferred lender arrangement. In compiling,
9 maintaining, and making available such list, the in-
10 stitution will—

11 “(i) clearly and fully disclose on such list—

12 “(I) no less than the information re-
13 quired to be disclosed in the model disclo-
14 sure form, or updated model disclosure
15 form, required under section 153;

16 “(II) why the institution has entered
17 into a preferred lender arrangement with
18 each listed lender, particularly with respect
19 to terms and conditions favorable to the
20 borrower; and

21 “(III) that the students attending the
22 institution (or the parents of such stu-
23 dents) do not have to borrow from a listed
24 lender;

1 “(ii) ensure, through the use of the list
2 provided by the Secretary under subparagraph
3 (B), that—

4 “(I) there are not less than 3 lenders
5 of loans made under part B that are not
6 affiliates of each other included on such
7 list and, if the institution recommends,
8 promotes, or endorses private educational
9 loans, there are not less than 2 lenders of
10 private educational loans that are not af-
11 filiates of each other included on such list;

12 “(II) the list under this subpara-
13 graph—

14 “(aa) specifically indicates, for
15 each listed lender, whether the lender
16 is or is not an affiliate of each other
17 lender on the list; and

18 “(bb) if a lender is an affiliate of
19 another lender on the list, describes
20 the details of such affiliation;

21 “(iii) prominently disclose the method and
22 criteria used by the institution in selecting lend-
23 ers with which to enter into preferred lender ar-
24 rangements to ensure that such lenders are se-

1 lected on the basis of the benefits provided to
2 borrowers, including—

3 “(I) highly competitive interest rates,
4 terms, or conditions of Federal and private
5 educational loans;

6 “(II) high-quality servicing for such
7 loans; or

8 “(III) additional benefits beyond the
9 standard terms and conditions for such
10 loans;

11 “(iv) exercise a duty of care and a duty of
12 loyalty to compile the list under this subpara-
13 graph without prejudice and for the sole benefit
14 of the students attending the institution (or the
15 parents of such students);

16 “(v) not deny or otherwise impede the bor-
17 rower’s choice of a lender or cause unnecessary
18 delays in loan certification under this title for
19 those borrowers who choose a lender that has
20 not been recommended, promoted, or endorsed
21 by the institution; and

22 “(vi) comply with such other requirements
23 as the Secretary may prescribe by regulation.

24 “(B) The Secretary shall maintain and update
25 a list of lender affiliates of all eligible lenders, and

1 shall provide such list to the institutions for use in
2 carrying out subparagraph (A).

3 “(C) For the purposes of subparagraph (A)—

4 “(i) the term ‘affiliate’ means a person
5 that controls, is controlled by, or is under com-
6 mon control with another person;

7 “(ii) a person controls, is controlled by, or
8 is under common control with another person
9 if—

10 “(I) the person directly or indirectly,
11 or acting through 1 or more others, owns,
12 controls, or has the power to vote 5 per-
13 cent or more of any class of voting securi-
14 ties of such other person;

15 “(II) the person controls, in any man-
16 ner, the election of a majority of the direc-
17 tors or trustees of such other person; or

18 “(III) the Secretary determines (after
19 notice and opportunity for a hearing) that
20 the person directly or indirectly exercises a
21 controlling interest over the management
22 or policies of such other person;

23 “(iii) the term ‘preferred lender arrange-
24 ment’ has the meaning provided in section 151;
25 and

1 “(iv) the term ‘educational loans’ has the
2 meaning provided in section 151, except that
3 such term does not include loans under section
4 499(b) or under parts D or E of this title.

5 “(25) The institution will submit to the Sec-
6 retary annually, in such form as the Secretary may
7 prescribe, data on—

8 “(A) the number and percentage of stu-
9 dents taking classes in whole or in part on-line
10 or through distance education;

11 “(B) of such students, the number and
12 percentage of those taking their classes exclu-
13 sively on-line or through distance education;
14 and

15 “(C) the number and percentage of courses
16 offered by the institution that are offered on-
17 line or through distance education.”.

18 (b) REPORTS ON DISCIPLINARY PROCEEDINGS.—

19 (1) AMENDMENT.—Section 487(a) (20 U.S.C.
20 1094(a)) is further amended by adding after para-
21 graph (25), as added by subsection (a) of this sec-
22 tion, the following new paragraph:

23 “(26) The institution will, upon request, dis-
24 close to the alleged victim of any crime of violence
25 (as that term is defined in section 16 of title 18),

1 or a nonforcible sex offense, the final results of any
2 disciplinary proceeding conducted by such institution
3 against a student who is the alleged perpetrator of
4 such crime or offense with respect to such crime or
5 offense. If the alleged victim of such crime or offense
6 is deceased, the next of kin of such victim shall be
7 treated as the alleged victim for purposes of this
8 paragraph.”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by paragraph (1) shall apply with respect to any dis-
11 ciplinary proceeding conducted by such institution
12 on or after one year after the date of enactment of
13 this Act.

14 (c) ENFORCING THE 90/10 RULE.—

15 (1) AMENDMENT.—Section 487(a) (20 U.S.C.
16 1094(a)) is further amended by adding at the end
17 the following new paragraph:

18 “(27) A proprietary institution of higher edu-
19 cation (as defined in section 102(b)) will, as cal-
20 culated in accordance with subsection (f)(1) of this
21 section, have not less than 10 percent of its revenues
22 from sources other than funds provided under this
23 title, or will be subject to the sanctions described in
24 subsection (f)(2) of this section.”.

1 (2) IMPLEMENTATION.—Section 487 is further
2 amended by adding at the end the following new
3 subsection:

4 “(f) IMPLEMENTATION OF NON-TITLE IV REVENUE
5 REQUIREMENT.—

6 “(1) CALCULATION.—In carrying out sub-
7 section (a)(27), a proprietary institution of higher
8 education shall—

9 “(A) use the cash basis of accounting;

10 “(B) consider as revenue only those funds
11 generated by the institution from—

12 “(i) tuition, fees, and other institu-
13 tional charges for students enrolled in pro-
14 grams eligible for assistance under this
15 title;

16 “(ii) activities conducted by the insti-
17 tution, to the extent not included in tui-
18 tion, fees, and other institutional charges,
19 that are necessary for the education or
20 training of its students who are enrolled in
21 programs eligible for assistance under this
22 title, if such activities are—

23 “(I) conducted on campus or at a
24 facility under the control of the insti-
25 tution;

1 “(II) performed under the super-
2 vision of a member of the institution’s
3 faculty; and

4 “(III) required to be performed
5 by all students in a specific edu-
6 cational program at the institution;
7 and

8 “(iii) funds paid by a student, or on
9 behalf of a student by a party other than
10 the institution, for an education or training
11 program that is not eligible for funds
12 under this title, provided that the program
13 is approved or licensed by the appropriate
14 State agency and is accredited by an ac-
15 crediting agency recognized by the Sec-
16 retary;

17 “(C) presume that any title IV program
18 funds disbursed or delivered to or on behalf of
19 a student will be used to pay the student’s tui-
20 tion, fees, or other institutional charges, regard-
21 less of whether the institution credits those
22 funds to the student’s account or pays those
23 funds directly to the student, except to the ex-
24 tent that the student’s tuition, fees, or other in-
25 stitutional charges are satisfied by—

1 “(i) grant funds provided by non-Fed-
2 eral public agencies or private sources
3 independent of the institution;

4 “(ii) funds provided under a contrac-
5 tual arrangement with Federal, State, or
6 local government agencies for the purpose
7 of providing job training to low-income in-
8 dividuals who are in need of that training;
9 or

10 “(iii) funds used by a student from
11 savings plans for educational expenses es-
12 tablished by or on behalf of the student
13 and which qualify for special tax treatment
14 under the Internal Revenue Code of 1986,
15 provided that the institution can reason-
16 able demonstrate such funds were used to
17 pay the student’s tuition, fees, or other in-
18 stitutional charges;

19 “(D) include institutional aid as revenue to
20 the school only as follows:

21 “(i) in the case of loans made by an
22 institution, for each of the institution’s fis-
23 cal years 2009 through 2012, the principal
24 amount of loans made by the institution,
25 based on the expected interest earned less

1 the estimated amount to account for future
2 defaults and loan forgiveness accounted for
3 on an accrual basis, in accordance with
4 Generally Accepted Accounting Principles
5 and related standards and guidance, if the
6 loans are bona fide as evidenced by en-
7 forceable promissory notes, are issued at
8 intervals related to the institution's enroll-
9 ment periods, and are subject to regular
10 loan repayments and collections;

11 “(ii) in the case of loans made by an
12 institution, for the institution's fiscal year
13 2013 and each of the institution's subse-
14 quent fiscal years, only the amount of loan
15 repayments received during the fiscal year;
16 and

17 “(iii) in the case of institutional schol-
18 arships, only those provided by the institu-
19 tion in the form of monetary aid or tuition
20 discounts based upon the academic
21 achievements or financial need of students,
22 disbursed during the fiscal year from an
23 established restricted account, and only to
24 the extent that funds in that account rep-
25 resent designated funds from an outside

1 source or from income earned on those
2 funds;

3 “(E) exclude from revenues—

4 “(i) the amount of funds it received
5 under the Federal Work-Study program,
6 unless the institution used those funds to
7 pay a student’s institutional charges;

8 “(ii) the amount of funds it received
9 under the Leveraging Education Assist-
10 ance Partnership program;

11 “(iii) the amount of institutional
12 funds it used to match title IV program
13 funds;

14 “(iv) the amount of title IV program
15 funds that must be refunded or returned;
16 or

17 “(v) the amount charged for books,
18 supplies, and equipment unless the institu-
19 tion includes that amount as tuition, fees,
20 or other institutional charges.

21 “(2) SANCTIONS.—

22 “(A) An institution that fails to meet the
23 requirements of subsection (a)(27) for 2 con-
24 secutive fiscal years shall become ineligible to
25 participate in the programs authorized by this

1 title. To regain eligibility to participate in the
2 programs authorized by this title, an institution
3 that loses its eligibility as a sanction under this
4 subparagraph must demonstrate compliance
5 with all eligibility requirements for at least the
6 3 fiscal years following the fiscal year the insti-
7 tution became ineligible.

8 “(B) In addition to such other means of
9 enforcing the requirements of this title as may
10 be available to the Secretary, if an institution
11 fails to meet the requirements of subsection
12 (a)(27) in any fiscal year, the Secretary shall
13 impose sanctions on the institution, which shall
14 include—

15 “(i) placing the institution on provi-
16 sional certification in accordance with sec-
17 tion 498(h) until the institution dem-
18 onstrates, to the satisfaction of the Sec-
19 retary, that it is in compliance with sub-
20 section (a)(27);

21 “(ii) requiring the institution to pro-
22 vide to the Secretary satisfactory evidence
23 of its financial responsibility in accordance
24 with section 498(c)(3); and

1 “(iii) requiring such other increased
2 monitoring and reporting requirements as
3 the Secretary determines necessary until
4 the institution demonstrates, to the satis-
5 faction of the Secretary, that it is in com-
6 pliance with subsection (a)(27).

7 “(3) PUBLICATION ON COLLEGE NAVIGATOR
8 WEBSITE.—The Secretary shall publicly disclose the
9 identity of any institution that fails to meet the re-
10 quirements of subsection (a)(27) on the College Nav-
11 igator website.

12 “(4) REPORT TO CONGRESS.—The Secretary
13 shall annually submit to the authorizing committees
14 a report that contains, for each institution subject to
15 the requirement of subsection (a)(27), the result of
16 the calculation of revenue performed by each such
17 institution pursuant to such subsection and para-
18 graph (1) of this subsection.”.

19 (d) COMPUTER DISPOSAL.—Section 487(a) is further
20 amended by adding at the end the following new para-
21 graph:

22 “(28)(A) The institution of higher education
23 will establish a policy on the disposal or disposition
24 (including selling, donating, returning upon lease
25 end, or destroying by recycling), of all technology as-

1 sets which may have personal and sensitive data of
2 students. Such policy may include a forensic scrub
3 that ensures total destruction of data on the tech-
4 nology assets and include a designated for disposal
5 or disposition, transfer ownership and liability from
6 that institution to State and federally approved recy-
7 clers or de-manufacturers of such equipment.

8 “(B) For purposes of this paragraph, the term
9 ‘technology assets’ means a computer central proc-
10 essing unit, monitor, printer, router, server, periph-
11 eral devices (such as switches, hubs, and systems),
12 firewalls, telephones, or other simple network devices
13 or single piece of information technology equip-
14 ment.”.

15 (e) COMMITMENT TO AND NOTICE OF TUITION LEV-
16 ELS.—

17 (1) AMENDMENT.—Section 487(a) is further
18 amended by adding at the end the following new
19 paragraph:

20 “(29)(A) The institution will provide to each
21 admitted student considering an undergraduate or
22 graduate program—

23 “(i) a multi-year tuition and fee schedule;

24 or

1 “(ii) a single-year tuition and fee schedule,
2 and nonbinding, multi-year estimate of net
3 costs after all financial aid is awarded, assum-
4 ing constant family and student income, assets,
5 and relevant circumstances.

6 “(B) Multi-year schedules and estimates re-
7 quired by subparagraph (A)—

8 “(i) may include a percentage or dollar in-
9 crease or decrease of any size the institution
10 deems appropriate from one year to the next;
11 and

12 “(ii) shall indicate, on a year-by-year basis,
13 costs for the normal duration of the relevant
14 student’s undergraduate or graduate program.

15 “(C) Institutions that elect a single-year tuition
16 and fee schedule under subparagraph (A)(ii) shall
17 include with each multi-year estimate the average
18 deviation, in percentage terms, between previous
19 year estimates and actual net costs for students at
20 their institution.

21 “(D) The Secretary shall waive the require-
22 ments of subparagraph (A), and of the commitment
23 made thereunder, if the institution demonstrates to
24 the Secretary that the requirements of subparagraph
25 (A) are not practicable because of the occurrence of

1 one or more events causing the institution severe
2 economic distress, dramatic reduction of State or
3 Federal aid, or any other circumstance the Secretary
4 deems valid.”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by this subsection shall be effective on July 1, 2009.

7 (f) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCE-
8 MENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C.
9 1094(c)(1)(A)) is amended—

10 (1) in clause (i)—

11 (A) by striking “clauses (ii) and (iii)” and
12 inserting “clauses (ii), (iii), and (iv)”; and

13 (B) by inserting before the semicolon at
14 the end the following: “, except that the Sec-
15 retary may modify the requirements of this
16 clause with respect to institutions of higher
17 education that are foreign institutions, and may
18 waive such requirements with respect to a for-
19 eign institution whose students receive less than
20 \$500,000 in loans under this title during the
21 award year preceding the audit period”;

22 (2) in clause (ii), by striking “or” after the
23 semicolon;

24 (3) in clause (iii), by inserting “or” after the
25 semicolon; and

1 (4) by inserting after clause (iii) the following
2 new clause:

3 “(iv) with respect to an eligible institution
4 that is audited under clause (i), and for which
5 it is determined through such audit that the
6 percentage of students enrolled at the institu-
7 tion who were accepted for enrollment and
8 made eligible for student financial assistance
9 under this title by way of section 484(d)(2) ex-
10 ceeds 5 percent of the total enrollment of the
11 institution for such academic year, an addi-
12 tional review to confirm that the institution is
13 in compliance with the regulations prescribed by
14 the Secretary under section 484(d);”.

15 (f) INSTITUTIONAL CERTIFICATIONS FOR PRIVATE
16 EDUCATIONAL LOANS.—Section 487(a) is further amend-
17 ed by adding at the end the following new paragraph:

18 “(29)(A) The institution will—

19 “(i) upon the request of a private edu-
20 cational lender, acting in connection with
21 an application initiated by a consumer for
22 a private educational loan, provide certifi-
23 cation to such private educational lender—

24 “(I) that the student who initi-
25 ated the application for the private

1 educational loan, or on whose behalf
2 the application was initiated, is en-
3 rolled or is scheduled to enroll at the
4 institution;

5 “(II) of the student’s cost of at-
6 tendance at the institution as deter-
7 mined under part F of this title; and

8 “(III) of the difference between
9 the cost of attendance of the institu-
10 tion and the student’s estimated fi-
11 nancial assistance received under this
12 title and other assistance known to
13 the institution;

14 “(ii) disclose a borrower’s ability to
15 select a private educational lender of the
16 borrower’s choice; and

17 “(iii) inform students about the im-
18 pact of a proposed private educational loan
19 on the students’ potential eligibility for
20 other financial assistance, including Fed-
21 eral financial assistance under this title.

22 “(B) For purposes of this paragraph, the terms
23 ‘private educational lender’ and ‘private educational
24 loan’ have the meanings given in section 140 of the
25 Truth in Lending Act (15 U.S.C. 1631 et seq.).”.

1 **SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.**

2 Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) IN GENERAL.—The Secretary shall con-
6 tinue the voluntary participation of any experimental
7 sites in existence as of July 1, 2007, unless the Sec-
8 retary determines that such site’s participation has
9 not been successful in carrying out the purposes of
10 this section. Any activities approved by the Secretary
11 prior to such date that have not been successful in
12 carrying out the purposes of this section shall be dis-
13 continued not later than June 30, 2009.”;

14 (2) by striking the matter preceding paragraph
15 (2)(A) and inserting the following:

16 “(2) REPORT.—The Secretary shall review and
17 evaluate the experience of institutions participating
18 as experimental sites and shall, on a biennial basis,
19 submit a report based on the review and evaluation
20 to the authorizing committees. Such report shall in-
21 clude—”; and

22 (3) in paragraph (3)—

23 (A) in subparagraph (A)—

24 (i) by striking “Upon the submission
25 of the report required by paragraph (2),
26 the” and inserting “The”; and

1 (ii) by inserting “periodically” after
2 “authorized to”;

3 (B) by striking subparagraph (B);

4 (C) by redesignating subparagraph (C) as
5 subparagraph (B); and

6 (D) in subparagraph (B) (as redesignated
7 by subparagraph (C))—

8 (i) by inserting “, including require-
9 ments related to the award process and
10 disbursement of student financial aid (such
11 as innovative delivery systems for modular
12 or compressed courses, or other innovative
13 systems), verification of student financial
14 aid application data, entrance and exit
15 interviews, or other management proce-
16 dures or processes as determined in the ne-
17 gotiated rulemaking process under section
18 492” after “requirements in this title”;

19 (ii) by inserting “(other than an
20 award rule related to an experiment in
21 modular or compressed schedules)” after
22 “award rules”; and

23 (iii) by inserting “unless the waiver of
24 such provisions is authorized by another

1 provision under this title” before the pe-
2 riod at the end.

3 **SEC. 492. TRANSFER OF ALLOTMENTS.**

4 Section 488 (20 U.S.C. 1095) is amended by striking
5 “section 413D.” and inserting “section 413D or 462 (or
6 both).”.

7 **SEC. 493. ADVISORY COMMITTEE ON STUDENT FINANCIAL**
8 **ASSISTANCE.**

9 Section 491 (20 U.S.C. 1098) is amended—

10 (1) in subsection (a)(2)—

11 (A) in subparagraph (B), by striking
12 “and” after the semicolon;

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting a semicolon;
15 and

16 (C) by adding at the end the following:

17 “(D) to provide knowledge and under-
18 standing of early intervention programs and
19 make recommendations that will result in early
20 awareness by low- and moderate-income stu-
21 dents and families of their eligibility for assist-
22 ance under this title, and, to the extent prac-
23 ticable, their eligibility for other forms of State
24 and institutional need-based student assistance;
25 and

1 “(E) to make recommendations that will
2 expand and improve partnerships among the
3 Federal Government, States, institutions, and
4 private entities to increase the awareness and
5 total amount of need-based student assistance
6 available to low- and moderate-income stu-
7 dents.”;

8 (2) in subsection (d)—

9 (A) in paragraph (6), by striking “, but
10 nothing in this section shall authorize the com-
11 mittee to perform such studies, surveys, or
12 analyses”;

13 (B) in paragraph (8), by striking “and”
14 after the semicolon;

15 (C) by redesignating paragraph (9) as
16 paragraph (10); and

17 (D) by inserting after paragraph (8) the
18 following:

19 “(9) monitor the adequacy of total need-based
20 aid available to low- and moderate-income students
21 from all sources, assess the implications for access
22 and persistence, and report those implications annu-
23 ally to Congress and the Secretary; and”;

24 (3) in subsection (j)(1)—

1 (A) by inserting “and simplification” after
2 “delivery processes”; and

3 (B) by striking “, including the implemen-
4 tation of a performance-based organization
5 within the Department, and report to Congress
6 regarding such modernization on not less than
7 an annual basis”; and

8 (4) in subsection (k), by striking “2004” and
9 inserting “2011”.

10 **SEC. 494. NEGOTIATED RULEMAKING.**

11 Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amend-
12 ed by striking “from individuals nominated by groups de-
13 scribed in subsection (a)(1)” and inserting “from individ-
14 uals who are nominated by groups described in subsection
15 (a)(1) and who have recognized legitimacy as designated
16 representatives of major stakeholders, sectors, and con-
17 stituencies in the higher education community”.

18 **SEC. 495. TECHNICAL AMENDMENT.**

19 Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is
20 amended by striking “or is already in default”.

21 **SEC. 495A. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

22 Part G of title IV (20 U.S.C. 1088 et seq.) is further
23 amended by adding at the end the following new section:

1 **“SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.**

2 “(a) IN GENERAL.—Each eligible institution partici-
3 pating in any program under this title shall to the extent
4 practicable—

5 “(1) make publicly available to their students
6 and employees, the policies and procedures related to
7 the illegal downloading and distribution of copy-
8 righted materials required to be disclosed under sec-
9 tion 485(a)(1)(P); and

10 “(2) develop a plan for offering alternatives to
11 illegal downloading or peer-to-peer distribution of in-
12 tellectual property as well as a plan to explore tech-
13 nology-based deterrents to prevent such illegal activ-
14 ity.

15 “(b) GRANTS.—

16 “(1) PROGRAM AUTHORITY.—The Secretary
17 may make grants to institutions of higher education,
18 or consortia of such institutions, and enter into con-
19 tracts with such institutions, consortia, and other or-
20 ganizations, to develop, implement, operate, improve,
21 and disseminate programs of prevention, education,
22 and cost-effective technological solutions, to reduce
23 and eliminate the illegal downloading and distribu-
24 tion of intellectual property. Such grants or con-
25 tracts may also be used for the support of a higher
26 education centers that will provide training, tech-

1 nical assistance, evaluation, dissemination, and asso-
 2 ciated services and assistance to the higher edu-
 3 cation community as determined by the Secretary
 4 and institutions of higher education.

5 “(2) AWARDS.—Grants and contracts shall be
 6 awarded under paragraph (1) on a competitive basis.

7 “(3) APPLICATIONS.—An institution of higher
 8 education or a consortium of such institutions that
 9 desires to receive a grant or contract under para-
 10 graph (1) shall submit an application to the Sec-
 11 retary at such time, in such manner, and containing
 12 or accompanied by such information as the Sec-
 13 retary may reasonably require by regulation.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—
 15 There are authorized to be appropriated to carry out
 16 this subsection such sums as may be necessary for
 17 fiscal year 2009 and for each of the 4 succeeding fis-
 18 cal years.”.

19 **PART H—PROGRAM INTEGRITY**

20 **SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR AS-** 21 **SOCIATION.**

22 (a) AMENDMENTS.—Section 496 (20 U.S.C. 1099b)
 23 is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (4)—

1 (i) by striking “(4) such agency” and
2 insert “(4)(A) such agency”;

3 (ii) by inserting “and” after the semi-
4 colon at the end; and

5 (iii) by adding at the end the fol-
6 lowing new subparagraph:

7 “(B) if such agency or association has or seeks
8 to include within its scope of recognition the evalua-
9 tion of the quality of institutions or programs offer-
10 ing distance education, such agency or association
11 shall, in addition to meeting the other requirements
12 of this subpart, demonstrate to the Secretary that—

13 “(i) the agency or association’s standards
14 effectively address the quality of an institution’s
15 distance education in the areas identified in
16 paragraph (5), except that the agency or asso-
17 ciation shall not be required to have separate
18 standards, procedures or policies for the evalua-
19 tion of distance education institutions or pro-
20 grams in order to meet the requirements of this
21 subparagraph, nor shall the agency or associa-
22 tion be required to obtain the approval of the
23 Secretary to expand its scope of accreditation to
24 include distance education, provided that the

1 agency or association notifies the Secretary in
2 writing of the change in scope; and

3 “(ii) the agency or association requires an
4 institution that offers distance education to
5 have processes through which the institution es-
6 tablishes that the student who registers in a
7 distance education course or program is the
8 same student who participates in and completes
9 the program and receives the academic credit;”;

10 (B) in paragraph (5), by amending sub-
11 paragraph (A) to read as follows:

12 “(A) success with respect to student
13 achievement in relation the institution’s mis-
14 sion, which may include different standards for
15 different institutions or programs, as estab-
16 lished by the institution, including, as appro-
17 priate, consideration of State licensing examina-
18 tions, consideration of course completion, and
19 job placement rates;”;

20 (C) by striking paragraph (6) and insert-
21 ing the following:

22 “(6) such agency or association shall establish
23 and apply review procedures throughout the accred-
24 iting process, including evaluation and withdrawal

1 proceedings which comply with due process proce-
2 dures that provide for—

3 “(A) adequate specification of require-
4 ments, including clear and consistent standards
5 for an institution to be accredited, and defi-
6 ciencies at the institution of higher education or
7 program examined;

8 “(B) an opportunity for a written response
9 by any such institution to be included, prior to
10 final action, in the evaluation and withdrawal
11 proceedings;

12 “(C) upon the written request of an insti-
13 tution, an opportunity for the institution to ap-
14 peal any adverse action, including denial, with-
15 drawal, suspension, or termination of accredita-
16 tion, at a hearing prior to such action becoming
17 final, before an appeals panel that—

18 “(i) shall not include current members
19 of the agency or association’s underlying
20 decision-making body that made the ad-
21 verse decision; and

22 “(ii) is subject to a conflict of interest
23 policy; and

1 “(D) the right to representation by counsel
2 for such an institution during an appeal of the
3 adverse action;”; and

4 (D) by striking paragraph (8) and insert-
5 ing the following:

6 “(8) such agency or association shall make
7 available to the public and the State licensing or au-
8 thorizing agency, and submit to the Secretary, a
9 summary of agency or association actions, includ-
10 ing—

11 “(A) the award of accreditation or re-
12 accreditation of an institution;

13 “(B) final denial, withdrawal, suspension,
14 or termination of accreditation, and any find-
15 ings made in connection with the action taken,
16 together with the official comments of the af-
17 fected institution; and

18 “(C) any other adverse action taken with
19 respect to an institution;

20 “(9) such agency or association confirms, as a
21 part of the agency or association’s review for accred-
22 itation or reaccreditation, that the institution has
23 transfer of credit policies—

24 “(A) that are publicly disclosed; and

1 “(B) that include a statement of the cri-
2 teria established by the institution regarding
3 the transfer of credit earned at another institu-
4 tion of higher education;

5 “(10) such agency or association reviews and
6 takes into consideration the institution’s response in
7 any review or determination, and includes in any de-
8 termination a written statement addressing the insti-
9 tution’s response and stating the basis for such de-
10 termination, and a copy of the institution’s response;
11 and

12 “(11) such agency or association shall not make
13 a determination or take adverse action based upon
14 an unpublished or undocumented policy, practice, or
15 precedent.”;

16 (2) in subsection (c)—

17 (A) in paragraph (1), by inserting “, in-
18 cluding those regarding distance education”
19 after “their responsibilities”;

20 (B) by redesignating paragraphs (2)
21 through (6) as paragraphs (4) through (8); and

22 (C) by inserting after paragraph (1) (as
23 amended by subparagraph (A)) the following:

1 “(2) monitors the growth of programs at insti-
2 tutions that are experiencing significant enrollment
3 growth;

4 “(3) requires an institution to submit a teach-
5 out plan for approval to the accrediting agency upon
6 the occurrence of any of the following events—

7 “(A) the Department notifies the accred-
8 iting agency of an action against the institution
9 pursuant to section 487(d);

10 “(B) the accrediting agency acts to with-
11 draw, terminate, or suspend the accreditation of
12 an institution; and

13 “(C) the institution notifies the accrediting
14 agency that the institution intends to cease op-
15 erations;”;

16 (3) in subsection (g), by adding at the end the
17 following: “Nothing in this section shall be construed
18 to permit the Secretary to establish any criteria that
19 specifies, defines, or prescribes the standards that
20 accrediting agencies or associations shall use to as-
21 sess any institution’s success with respect to student
22 achievement.”; and

23 (4) in subsection (o), by adding at the end the
24 following: “Notwithstanding any other provision of

1 law, the Secretary shall not promulgate any regula-
2 tion with respect to subsection (a)(5).”.

3 (b) RULE OF CONSTRUCTION.—Section 496 is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(p) RULE OF CONSTRUCTION.—Nothing in sub-
7 section (a)(5) of this section shall restrict the authority
8 of—

9 “(1) an accrediting agency or association to set,
10 with the involvement of its members, and to apply
11 accreditation standards to institutions or programs
12 that seek review by the agency or association; or

13 “(2) an institution to develop and use institu-
14 tional standards to show its success with respect to
15 student achievement, which shall be considered as
16 part of any accreditation review.”.

17 (c) ADDITIONAL AMENDMENT.—Section
18 496(a)(4)(A) as amended by subsection (a) is further
19 amended by inserting after “consistently applies and en-
20 forces standards” the following: “that respect the stated
21 mission of the institution of higher education, including
22 religious missions, and”.

1 **SEC. 497. ACCREDITATION OMBUDSMAN.**

2 Subpart 2 of part H of title IV is amended by insert-
3 ing after section 496 (20 U.S.C. 1099b) the following new
4 section:

5 **“SEC. 497. ACCREDITATION OMBUDSMAN.**

6 “(a) APPOINTMENT.—The Assistant Secretary for
7 Postsecondary Education, in consultation with the Sec-
8 retary, shall appoint an Accreditation Ombudsman to pro-
9 vide timely assistance to institutions of higher education,
10 accrediting agencies and associations, and other partici-
11 pants in the accreditation process who may have griev-
12 ances related to the functions described in subsection (c).

13 “(b) PUBLIC INFORMATION.—The Assistant Sec-
14 retary for Postsecondary Education shall disseminate in-
15 formation about the availability and functions of the Om-
16 budsman to institutions of higher education, accrediting
17 agencies and associations, and other participants in the
18 accreditation process.

19 “(c) FUNCTIONS OF OMBUDSMAN.—The Ombuds-
20 man appointed under this section shall—

21 “(1) in accordance with regulations of the Sec-
22 retary, receive, review, and attempt to resolve com-
23 plaints from institutions of higher education, accred-
24 iting agencies and associations, and other partici-
25 pants in the accreditation process described in sub-
26 section (a), including, as appropriate, attempts to

1 resolve such complaints within the Department of
2 Education and with institutions of higher education,
3 accreditation agencies and associations, and other
4 participants in title IV programs; and

5 “(2) compile and analyze data on institutions of
6 higher education and accrediting agency and associa-
7 tion complaints and make appropriate recommenda-
8 tions.

9 “(d) REPORT.—Each year, the Ombudsman shall
10 submit a report to the Assistant Secretary for Postsec-
11 ondary Education, for inclusion in the annual report under
12 section 114, that describes the activities, and evaluates the
13 effectiveness of the Ombudsman during the preceding
14 year.”.

15 **SEC. 498. PROGRAM REVIEW AND DATA.**

16 Section 498A(b) (20 U.S.C. 1099c–1(b)) is amend-
17 ed—

18 (1) by striking “and” at the end of paragraph
19 (4);

20 (2) by striking the period at the end of para-
21 graph (5) and inserting a semicolon; and

22 (3) by adding at the end the following new
23 paragraphs:

24 “(6) provide the institution adequate oppor-
25 tunity to review and respond to any program review

1 report or audit finding before any final program re-
2 view or audit determination is reached, including ac-
3 cess to any and all workpapers, notes, documenta-
4 tion, records, or other information relating to the
5 program review report or audit finding;

6 “(7) review and take into consideration the in-
7 stitution’s response in any final program review or
8 audit determination, and include in the final deter-
9 mination a written statement addressing the institu-
10 tion’s response and stating the basis for such final
11 determination, and a copy of the institution’s re-
12 sponse; and

13 “(8) maintain and preserve at all times the con-
14 fidentiality of any program review report until the
15 requirements of paragraphs (6) and (7) are met, and
16 until a final program review determination has been
17 issued.”.

18 **SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM**
19 **EVALUATION.**

20 Section 499 (as added by section 701 of the College
21 Cost Reduction and Access Act of 2007) is amended by
22 adding at the end the following new subsections:

23 “(c) **REQUIRED INITIAL EVALUATION.**—The Sec-
24 retary and Secretary of the Treasury shall jointly conduct
25 an evaluation, in consultation with the Office of Manage-

1 ment and Budget, the Congressional Budget Office, and
2 the Comptroller General, of the pilot program carried out
3 by the Secretary under this section. The evaluation shall
4 determine—

5 “(1) the extent of the savings to the Federal
6 Government that are generated through the pilot
7 program, compared to the cost the Federal Govern-
8 ment would have incurred in operating the PLUS
9 loan program under section 428B in the absence of
10 the pilot program;

11 “(2) the number of lenders that participated in
12 the pilot program, and the extent to which the pilot
13 program generated competition among lenders to
14 participate in the auctions under the pilot program;

15 “(3) the number and volume of loans made
16 under the pilot in each State;

17 “(4) the effect of the transition to and oper-
18 ation of the pilot program on the ability of—

19 “(A) lenders participating in the pilot pro-
20 gram to originate loans made through the pilot
21 program smoothly and efficiently;

22 “(B) institutions of higher education par-
23 ticipating in the pilot program to disburse loans
24 made through the pilot program smoothly and
25 efficiently; and

1 “(C) parents to obtain loans made through
2 the pilot program in a timely and efficient man-
3 ner;

4 “(5) the differential impact, if any, of the auc-
5 tion among the States, including between rural and
6 non-rural States;

7 “(6) the feasibility of using the mechanism pi-
8 loted to operate the other loan programs under part
9 B of this title;

10 “(7) the feasibility of using other market mech-
11 anisms to operate the loan programs under part B
12 of this title, including the sale of securities backed
13 by federally owned student loan assets originated by
14 banks acting as agents of the Federal Government;
15 and

16 “(8) the feasibility of a specific alternative mar-
17 ket-based mechanism that will—

18 “(A) determine lender returns;

19 “(B) result in reduced Federal costs on a
20 program-wide basis, on loans made, insured, or
21 guaranteed under part B of this title, excluding
22 from consideration the Federal PLUS loans de-
23 scribed in section 428B that are the subject of
24 the competitive loan auction pilot program
25 under this section;

1 “(C) include not more than—

2 “(i) 10 percent of the annual loan vol-
3 ume under this part B of this title during
4 the first year of the alternative pilot pro-
5 gram; and

6 “(ii) 20 percent of the annual loan
7 volume under this part B of this title dur-
8 ing the subsequent years of the alternative
9 pilot program;

10 “(D) permit participation in any alter-
11 native auction-based pilot program on a vol-
12 untary basis for eligible institutions and eligible
13 lenders participating under part B of this title
14 prior to July 1, 2007; and

15 “(E) provide for all savings to the United
16 States Treasury generated by such alternative
17 pilot program to be distributed to institutions
18 participating under this section on a basis pro-
19 portionate to loan volume under such part for
20 supplemental, need-based financial aid, except
21 than an institution that is operating as an eligi-
22 ble lender under section 435(d)(2) shall not be
23 eligible for any such distribution.

24 “(d) REPORTS.—The Secretary and the Secretary of
25 the Treasury shall submit to the authorizing committees—

1 “(1) not later than September 1, 2010, a pre-
 2 liminary report regarding the findings of the evalua-
 3 tion described in subsection (c);

4 “(2) not later than September 1, 2012, an in-
 5 terim report regarding such findings; and

6 “(3) not later than September 1, 2013, a final
 7 report regarding such findings.

8 “(e) INDEPENDENT EVALUATION.—The Government
 9 Accountability Office shall conduct an independent evalua-
 10 tion of any auction or auctions conducted under this sec-
 11 tion no later than September 1, 2013.”.

12 **TITLE V—TITLE V AMENDMENTS**

13 **SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HIS-** 14 **PANIC AMERICANS.**

15 (a) ESTABLISHMENT OF PROGRAM.—Title V is
 16 amended—

17 (1) by redesignating part B as part C;

18 (2) by redesignating sections 511 through 518
 19 as sections 521 through 528, respectively; and

20 (3) by inserting after section 505 (20 U.S.C.
 21 1101d) the following new part:

22 **“PART B—PROMOTING POSTBACCALAUREATE** 23 **OPPORTUNITIES FOR HISPANIC AMERICANS**

24 **“SEC. 511. PURPOSES.**

25 “The purposes of this part are—

1 “(1) to expand postbaccalaureate educational
2 opportunities for, and improve the academic attain-
3 ment of, Hispanic students; and

4 “(2) to expand the postbaccalaureate academic
5 offerings and enhance the program quality in the in-
6 stitutions that are educating the majority of His-
7 panic college students and helping large numbers of
8 Hispanic and low-income students complete postsec-
9 ondary degrees.

10 **“SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.**

11 “(a) PROGRAM AUTHORIZED.—Subject to the avail-
12 ability of funds appropriated to carry out this part, the
13 Secretary shall award competitive grants to Hispanic-serv-
14 ing institutions determined by the Secretary to be making
15 substantive contributions to graduate educational opportu-
16 nities for Hispanic students.

17 “(b) ELIGIBILITY.—For the purposes of this part, an
18 ‘eligible institution’ means an institution of higher edu-
19 cation that—

20 “(1) is an eligible institution under section
21 502(a)(2); and

22 “(2) offers a postbaccalaureate certificate or de-
23 gree granting program.

1 **“SEC. 513. AUTHORIZED ACTIVITIES.**

2 “Grants awarded under this part shall be used for
3 one or more of the following activities:

4 “(1) Purchase, rental, or lease of scientific or
5 laboratory equipment for educational purposes, in-
6 cluding instructional and research purposes.

7 “(2) Construction, maintenance, renovation,
8 and improvement of classrooms, libraries, labora-
9 tories, and other instructional facilities, including
10 purchase or rental of telecommunications technology
11 equipment or services.

12 “(3) Purchase of library books, periodicals,
13 technical and other scientific journals, microfilm,
14 microfiche, and other educational materials, includ-
15 ing telecommunications program materials.

16 “(4) Support for needy postbaccalaureate stu-
17 dents including outreach, academic support services,
18 mentoring, scholarships, fellowships, and other fi-
19 nancial assistance to permit the enrollment of such
20 students in postbaccalaureate certificate and degree
21 granting programs.

22 “(5) Support of faculty exchanges, faculty de-
23 velopment, faculty research, curriculum development,
24 and academic instruction.

25 “(6) Creating or improving facilities for Inter-
26 net or other distance learning academic instruction

1 capabilities, including purchase or rental of tele-
2 communications technology equipment or services.

3 “(7) Collaboration with other institutions of
4 higher education to expand postbaccalaureate certifi-
5 cate and degree offerings.

6 “(8) Other activities proposed in the application
7 submitted pursuant to section 514 that—

8 “(A) contribute to carrying out the pur-
9 poses of this part; and

10 “(B) are approved by the Secretary as part
11 of the review and acceptance of such applica-
12 tion.

13 **“SEC. 514. APPLICATION AND DURATION.**

14 “(a) APPLICATION.—Any eligible institution may
15 apply for a grant under this part by submitting an applica-
16 tion to the Secretary at such time and in such manner
17 as determined by the Secretary. Such application shall
18 demonstrate how the grant funds will be used to improve
19 postbaccalaureate education opportunities in programs
20 and professions in which Hispanic Americans are under-
21 represented.

22 “(b) DURATION.—Grants under this part shall be
23 awarded for a period not to exceed 5 years.

1 “(c) LIMITATION.—The Secretary shall not award
2 more than one grant under this part in any fiscal year
3 to any Hispanic-serving institution.”.

4 (b) COOPERATIVE ARRANGEMENTS.—Section 524(a)
5 (as redesignated by subsection (a)(2)) (20 U.S.C.
6 1103c(a)) is amended by inserting “and section 513” after
7 “section 503”.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Sub-
9 section (a) of section 528 (as redesignated by subsection
10 (a)(2) of this section) (20 U.S.C. 1103g) is amended to
11 read as follows:

12 “(a) AUTHORIZATIONS.—

13 “(1) PART A.—There are authorized to be ap-
14 propriated to carry out part A and part C of this
15 title \$175,000,000 for fiscal year 2009 and such
16 sums as may be necessary for each of the 4 suc-
17 ceeding fiscal years.

18 “(2) PART B.—There are authorized to be ap-
19 propriated to carry out part B of this title
20 \$125,000,000 for fiscal year 2009 and such sums as
21 may be necessary for each of the 4 succeeding fiscal
22 years.”.

23 (d) MINIMUM GRANT AMOUNT.—Section 528 (as re-
24 designated by subsection (a)(2) of this section) (20 U.S.C.
25 1103g) is amended by adding at the end the following:

1 “(c) MINIMUM GRANT AMOUNT.—The minimum
2 amount of a grant under this title shall be \$200,000.”.

3 (e) PART A AUTHORIZED USES OF FUNDS.—Section
4 503(b) (20 U.S.C. 1101b(b)) is amended—

5 (1) by redesignating paragraph (14) as para-
6 graph (15); and

7 (2) by inserting after paragraph (13) the fol-
8 lowing new paragraph:

9 “(14) Providing education or financial informa-
10 tion designed to improve the financial literacy and
11 economic literacy of students or the students’ par-
12 ents, especially with regard to student indebtedness
13 and student assistance programs under the title
14 IV.”.

15 **TITLE VI—TITLE VI** 16 **AMENDMENTS**

17 **SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUD-**
18 **IES.**

19 (a) FINDINGS AND PURPOSES.—Section 601 (20
20 U.S.C. 1121) is amended—

21 (1) in subsection (a)(3), by striking “post-Cold
22 War”;

23 (2) in subsection (b)(1), by striking “; and” at
24 the end of subparagraph (D) and inserting “, includ-
25 ing through linkages overseas with institutions of

1 higher education and relevant organizations that
2 contribute to the educational programs assisted
3 under this part; and”; and

4 (3) in subsection (b)(3) by inserting “, and
5 international business and trade competitiveness”
6 before the period.

7 (b) GRADUATE AND UNDERGRADUATE LANGUAGE
8 AND AREA CENTERS AND PROGRAMS.—Section 602(a)
9 (20 U.S.C. 1122(a)) is amended—

10 (1) in paragraph (1), by striking subparagraph
11 (A) and inserting the following:

12 “(A) IN GENERAL.—The Secretary is au-
13 thorized to make grants to institutions of high-
14 er education or consortia of such institutions
15 for the purpose of establishing, strengthening,
16 and operating—

17 “(i) comprehensive foreign language
18 and area or international studies centers
19 and programs; and

20 “(ii) a diverse network of under-
21 graduate foreign language and area or
22 international studies centers and pro-
23 grams.”;

24 (2) in paragraph (2)—

1 (A) by striking “and” at the end of sub-
2 paragraph (G);

3 (B) by striking the period at the end of
4 subparagraph (H) and inserting a semicolon;
5 and

6 (C) by inserting after subparagraph (H)
7 the following new subparagraphs:

8 “(I) supporting instructors of the less com-
9 monly taught languages; and

10 “(J) projects that support in students an
11 understanding of science and technology in co-
12 ordination with foreign language proficiency.”;
13 and

14 (3) in paragraph (4)—

15 (A) by amending subparagraph (B) to read
16 as follows:

17 “(B) Partnerships or programs of linkage
18 and outreach with 2-year and 4-year colleges
19 and universities, including colleges of education
20 and teacher professional development pro-
21 grams.”;

22 (B) in subparagraph (C), by striking “Pro-
23 grams of linkage or outreach” and inserting
24 “Partnerships or programs of linkage and out-
25 reach”;

1 (C) in subparagraph (E)—

2 (i) by striking “foreign area” and in-
3 serting “area studies”;

4 (ii) by striking “of linkage and out-
5 reach”; and

6 (iii) by striking “(C), and (D)” and
7 inserting “(D), and (E)”;

8 (D) by redesignating subparagraphs (C),
9 (D), and (E) as subparagraphs (D), (E), and
10 (F), respectively; and

11 (E) by inserting after subparagraph (B)
12 the following new subparagraph:

13 “(C) Partnerships with local educational
14 agencies and public and private elementary and
15 secondary education schools that are designed
16 to increase student academic achievement in
17 foreign language and knowledge of world re-
18 gions, and to facilitate the wide dissemination
19 of materials related to area studies.”.

20 (c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND
21 AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20
22 U.S.C. 1122(b)) is amended—

23 (1) by inserting “AND UNDERGRADUATE” after
24 “GRADUATE” in the subsection heading; and

1 (2) by striking paragraph (2) and inserting the
2 following:

3 “(2) ELIGIBLE STUDENTS.—A student receiv-
4 ing a stipend described in paragraph (1) shall be en-
5 gaged in an instructional program with stated per-
6 formance goals for functional foreign language use
7 or in a program developing such performance goals,
8 in combination with area studies, international stud-
9 ies, or the international aspects of a professional
10 studies program, including predissertation level stud-
11 ies, preparation for dissertation research, disserta-
12 tion research abroad, and dissertation writing,
13 and—

14 “(A) in the case of graduate fellowships,
15 activities in connection with a program de-
16 scribed in this paragraph may include
17 predissertation level studies, preparation for
18 dissertation research, dissertation research
19 abroad, and dissertation writing; or

20 “(B) in the case of undergraduate fellow-
21 ships, students may be allowed to use their fel-
22 lowships abroad for intermediate or advanced
23 study of a less commonly taught language.”.

1 (d) LANGUAGE RESOURCE CENTERS.—Section
2 603(c) (20 U.S.C. 1123(c)) is amended by inserting “re-
3 flect the purposes of this part and” after “shall”.

4 (e) UNDERGRADUATE INTERNATIONAL STUDIES AND
5 FOREIGN LANGUAGE PROGRAMS.—Section 604 (20
6 U.S.C. 1124) is amended—

7 (1) in subsection (a)(1), by striking “combina-
8 tions” each place it appears and inserting “con-
9 sortia”;

10 (2) in subsection (a)(2)—

11 (A) in subparagraph (B)(ii), by striking
12 “teacher training” and inserting “teacher pro-
13 fessional development”;

14 (B) by redesignating subparagraphs (I)
15 through (M) as subparagraphs (J) through (N),
16 respectively;

17 (C) by inserting after subparagraph (H)
18 the following new subparagraph:

19 “(I) the provision of grants for educational
20 programs abroad that are closely linked to the
21 program’s overall goals and have the purpose of
22 promoting foreign language fluency and knowl-
23 edge of world regions, except that not more
24 than 10 percent of a grant recipient’s funds
25 may be used for this purpose;”; and

1 (D) in subparagraph (M)(ii) (as redesign-
2 nated by subparagraph (B) of this paragraph),
3 by striking “elementary and secondary edu-
4 cation institutions” and inserting “local edu-
5 cational agencies and public and private ele-
6 mentary and secondary education schools”;

7 (3) in subsection (a)(4)(B), by inserting “that
8 demonstrates a need for a waiver or reduction” be-
9 fore the period at the end;

10 (4) in subsection (a)(6), by inserting “reflect
11 the purposes of this part and” after “shall”;

12 (5) in subsection (a)(8), by striking “may” and
13 inserting “shall”; and

14 (6) by striking subsection (c).

15 (f) RESEARCH; STUDIES; ANNUAL REPORT.—Section
16 605(a) (20 U.S.C. 1125(a)) is amended by inserting be-
17 fore the period at the end of the first sentence the fol-
18 lowing: “, including the systematic collection, analysis, and
19 dissemination of data”.

20 (g) TECHNOLOGICAL INNOVATION AND COOPERA-
21 TION FOR FOREIGN INFORMATION ACCESS.—Section 606
22 (20 U.S.C. 1126) is amended—

23 (1) in subsection (a)—

24 (A) by striking “or consortia of such insti-
25 tutions or libraries” and inserting “or partner-

1 ships between such institutions or libraries and
2 nonprofit educational organizations including
3 museums”;

4 (B) by striking “new”; and

5 (C) by inserting “from foreign sources”
6 after “disseminate information”;

7 (2) in subsection (b)—

8 (A) by inserting “acquire and” before “fa-
9 cilitate access” in paragraph (1);

10 (B) by striking “new means of” in para-
11 graph (3) and inserting “new means and stand-
12 ards for”;

13 (C) by striking “and” at the end of para-
14 graph (6);

15 (D) by striking the period at the end of
16 paragraph (7) and inserting a semicolon; and

17 (E) by inserting after paragraph (7) the
18 following new paragraphs:

19 “(8) to establish linkages between grant recipi-
20 ents under subsection (a) with libraries, museums,
21 organizations, or institutions of higher education lo-
22 cated overseas to facilitate carrying out the purposes
23 of this section; and

1 “(9) to carry out other activities deemed by the
2 Secretary to be consistent with the purposes of this
3 section.”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(e) SPECIAL RULE.—The Secretary may waive or
7 reduce the required non-Federal share for institutions
8 that—

9 “(1) are eligible to receive assistance under part
10 A or B of title III or under title V; and

11 “(2) have submitted a grant application under
12 this section that demonstrates a need for a waiver
13 or reduction.”.

14 (h) SELECTION OF GRANT RECIPIENTS.—Section
15 607(b) (20 U.S.C. 1127(b)) is amended—

16 (1) by striking “objectives” and inserting “mis-
17 sions”; and

18 (2) by adding at the end the following new sen-
19 tence: “In keeping with the purposes of this part,
20 the Secretary shall take into account the degree to
21 which activities of centers, programs, and fellowships
22 at institutions of higher education address national
23 needs, generate and disseminate information, and
24 foster debate on international issues.”.

1 (i) **EQUITABLE DISTRIBUTION.**—Section 608(a) (20
 2 U.S.C. 1128(a)) is amended by adding at the end the fol-
 3 lowing new sentence: “Grants made under section 602
 4 shall also reflect the purposes of this part.”.

5 (j) **AUTHORIZATION OF APPROPRIATIONS.**—Section
 6 610 (20 U.S.C. 1128b) is amended by striking “1999”
 7 and inserting “2009”.

8 (k) **CONFORMING AMENDMENTS.**—

9 (1) Sections 603(a), 604(a)(5), and 612 (20
 10 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each
 11 amended by striking “combinations” each place it
 12 appears and inserting “consortia”.

13 (2) Section 612 (20 U.S.C. 1130–1) is further
 14 amended by striking “combination” each place it ap-
 15 pears and inserting “consortium”.

16 **SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PRO-**
 17 **GRAMS.**

18 (a) **CENTERS FOR INTERNATIONAL BUSINESS EDU-**
 19 **CATION.**—Section 612 (20 U.S.C. 1130–1) is further
 20 amended—

21 (1) in subsection (a)(1)(C), by inserting “manu-
 22 facturing software systems, technology manage-
 23 ment,” after “commerce,”;

24 (2) in subsection (c)(2)(E), by inserting “(in-
 25 cluding those that are eligible to receive assistance

1 under part A or B of title III or under title V)”
2 after “other institutions of higher education”;

3 (3) in subsection (c)(2)—

4 (A) by striking “and” at the end of sub-
5 paragraph (E); and

6 (B) by inserting the following new sub-
7 paragraph after subparagraph (E) (and redesign-
8 nating the succeeding subparagraph):

9 “(F) programs encouraging the advance-
10 ment and understanding of cultural, techno-
11 logical management, and manufacturing soft-
12 ware systems practices between institutions of
13 higher education in the United States and
14 countries with existing partnerships with other
15 countries, including those in Asian countries fo-
16 cused on this industry; and”; and

17 (4) in subsection (e), by adding at the end the
18 following new paragraph:

19 “(5) SPECIAL RULE.—The Secretary may waive
20 or reduce the required non-Federal share for institu-
21 tions that—

22 “(A) are eligible to receive assistance
23 under part A or B of title III or under title V;
24 and

1 “(B) have submitted a grant application
2 under this section that demonstrates a need for
3 a waiver or reduction, as determined by the
4 Secretary.”.

5 (b) EDUCATION AND TRAINING PROGRAMS.—Section
6 613 (20 U.S.C. 1130a) is amended by adding at the end
7 the following new subsection:

8 “(e) SPECIAL RULE.—The Secretary may waive or
9 reduce the required non-Federal share for institutions
10 that—

11 “(1) are eligible to receive assistance under part
12 A or B of title III or under title V; and

13 “(2) have submitted a grant application under
14 this section that demonstrates a need for a waiver
15 or reduction, as determined by the Secretary.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
17 614 (20 U.S.C. 1130b) is amended by striking “1999”
18 each place it appears and inserting “2009”.

19 **SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.**

20 (a) FOREIGN SERVICE PROFESSIONAL DEVELOP-
21 MENT.—Section 621 (20 U.S.C. 1131) is amended—

22 (1) by striking the heading of such section and
23 inserting the following:

1 **“SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFES-**
2 **SIONALS.”;**

3 (2) by striking the second sentence of sub-
4 section (a) and inserting the following: “The Insti-
5 tute shall conduct a program to enhance the inter-
6 national competitiveness of the United States by in-
7 creasing the participation of underrepresented popu-
8 lations in the international service, including private
9 international voluntary organizations, the inter-
10 national commercial service, and the foreign service
11 of the United States.”; and

12 (3) in subsection (b)(1), by striking subpara-
13 graphs (A) and (B) and inserting the following:

14 “(A) A Tribally Controlled College or Uni-
15 versity or Alaska Native or Native Hawaiian-
16 serving institution eligible for assistance under
17 title III, an institution eligible for assistance
18 under part B of title III, or a Hispanic-serving
19 institution eligible for assistance under title V.

20 “(B) An institution of higher education
21 which serves substantial numbers of underrep-
22 resented minority students.”.

23 (b) INSTITUTIONAL DEVELOPMENT.—Section 622(a)
24 (20 U.S.C. 1131–1(a)) is amended by inserting before the
25 period at the end the following: “and promote collabora-

tion with colleges and universities that receive funds under this title”.

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after “1978,” the following: “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,”.

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking “**MASTERS**” in the heading of such section and inserting “**ADVANCED**”;

(2) by striking “a masters degree in international relations” and inserting “an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow’s career objectives”; and

(3) by striking “The masters degree program designed by the consortia” and inserting “The advanced degree study program shall be designed by the consortia, consistent with the fellow’s career objectives, and”.

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after “1978,” the following: “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,”;

1 (2) in subsection (b)—

2 (A) by inserting “and” after the semicolon
3 at the end of paragraph (2);

4 (B) by striking “; and” at the end of para-
5 graph (3) and inserting a period; and

6 (C) by striking paragraph (4); and

7 (3) by amending subsection (c) to read as fol-
8 lows:

9 “(c) RALPH J. BUNCHE FELLOWS.—In order to as-
10 sure the recognition and commitment of individuals from
11 underrepresented student populations who demonstrate
12 special interest in international affairs and language
13 study, eligible students who participate in the internship
14 programs authorized under subsections (a) and (b) shall
15 be known as the Ralph J. Bunche Fellows.”.

16 (f) REPORT.—Section 626 (20 U.S.C. 1131d) is
17 amended by striking “annually prepare a report” and in-
18 serting “prepare a report biennially”.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
20 628 (20 U.S.C. 1131f) is amended by striking “1999” and
21 inserting “2009”.

22 **SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE IN-**
23 **STRUCTION.**

24 Title VI (20 U.S.C. 1121 et seq.) is amended—

25 (1) by redesignating part D as part E;

1 (2) by redesignating section 631 (20 U.S.C.
2 1132) as section 641; and

3 (3) by inserting after section 628 the following
4 new part:

5 **“PART D—PREPARING FOR EARLY FOREIGN**
6 **LANGUAGE INSTRUCTION**

7 **“SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE IN-**
8 **STRUCTION.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
11 ble partnership’ means a partnership that—

12 “(A) shall include—

13 “(i) a foreign language department of
14 an institution of higher education; and

15 “(ii) a local educational agency; and

16 “(B) may include—

17 “(i) another foreign language or
18 teacher education department of an insti-
19 tution of higher education;

20 “(ii) another local educational agency,
21 or an elementary or secondary school;

22 “(iii) a business;

23 “(iv) a nonprofit organization of dem-
24 onstrated effectiveness, including a mu-
25 seum;

1 “(v) heritage or community centers
2 for language study;

3 “(vi) language resource centers; or

4 “(vii) the State foreign language coor-
5 dinator or State educational agency.

6 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
7 CY.—The term ‘high-need local educational agency’
8 has the meaning given the term in section 2102 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 6602).

11 “(3) ARTICULATED.—The term ‘articulated’
12 means that each grade level of the foreign language
13 program is designed to sequentially expand on the
14 student achievement of the previous level with a goal
15 toward achieving an established level of language
16 proficiency.

17 “(b) PURPOSE.—The purpose of this section is to im-
18 prove the performance of students in the study of foreign
19 languages by encouraging States, institutions of higher
20 education, elementary schools, and secondary schools to
21 participate in programs that—

22 “(1) upgrade the status and stature of foreign
23 language teaching by encouraging institutions of
24 higher education to assume greater responsibility for
25 improving foreign language teacher education

1 through the establishment of a comprehensive, inte-
2 grated system of recruiting and advising such teach-
3 ers;

4 “(2) focus on education of foreign language
5 teachers as a career-long process that should con-
6 tinuously stimulate teachers’ intellectual growth and
7 upgrade teachers’ knowledge and skills;

8 “(3) bring foreign language teachers in elemen-
9 tary schools and secondary schools together with lin-
10 guists or higher education foreign language profes-
11 sionals to increase the subject matter knowledge and
12 improve the teaching skills of teachers through the
13 use of more sophisticated resources that institutions
14 of higher education are better able to provide than
15 such schools; and

16 “(4) develop more rigorous foreign language
17 curricula that contain—

18 “(A) professionally accepted standards for
19 elementary and secondary education instruction;

20 “(B) standards expected for postsecondary
21 study in foreign language; and

22 “(C) articulated foreign language pro-
23 grams from kindergarten through grade 12 that
24 demonstrate increased competence and pro-
25 ficiency over time and grade.

1 “(c) GRANTS TO PARTNERSHIPS.—

2 “(1) IN GENERAL.—The Secretary may award
3 grants, on a competitive basis, to eligible partner-
4 ships to enable the eligible partnerships to pay the
5 Federal share of the costs of carrying out the au-
6 thorized activities described in this section.

7 “(2) DURATION.—The Secretary shall award
8 grants under this section for a period of 5 years.

9 “(3) FEDERAL SHARE.—The Federal share of
10 the costs of the activities assisted under this section
11 shall be—

12 “(A) 75 percent of the costs for the first
13 year that an eligible partnership receives a
14 grant payment under this section;

15 “(B) 65 percent of such costs for the sec-
16 ond such year; and

17 “(C) 50 percent of such costs for each of
18 the third, fourth, and fifth such years.

19 “(4) NON-FEDERAL SHARE.—The non-Federal
20 share of the costs of carrying out the authorized ac-
21 tivities described in this section may be provided in
22 cash or in kind, fairly evaluated.

23 “(5) PRIORITY.—In awarding grants under this
24 section, the Secretary shall give priority to eligible
25 partnerships—

1 “(A) that include high-need local edu-
2 cational agencies; or

3 “(B) that emphasize the teaching of com-
4 monly taught and critical foreign languages in
5 an articulated program that demonstrates in-
6 creased competency and proficiency over grade
7 and time.

8 “(d) APPLICATIONS.—

9 “(1) IN GENERAL.—Each eligible partnership
10 desiring a grant under this section shall submit an
11 application to the Secretary at such time, in such
12 manner, and accompanied by such information as
13 the Secretary may require.

14 “(2) CONTENTS.—An application under para-
15 graph (1) shall include—

16 “(A) an assessment of the teacher quality
17 and professional development needs of all the
18 schools and agencies participating in the eligible
19 partnership with respect to the teaching and
20 learning of foreign languages;

21 “(B) a description of how the activities to
22 be carried out by the eligible partnership will be
23 based on a review of relevant research, and an
24 explanation of why the activities are expected to

1 improve student performance and to strengthen
2 the quality of foreign language instruction; and

3 “(C) a description of—

4 “(i) how the eligible partnership will
5 carry out the authorized activities de-
6 scribed in subsection (e); and

7 “(ii) the eligible partnership’s evalua-
8 tion and accountability plan as described
9 in subsection (f).

10 “(e) AUTHORIZED ACTIVITIES.—An eligible partner-
11 ship shall use the grant funds provided under this section
12 for 1 or more of the following activities related to elemen-
13 tary schools or secondary schools:

14 “(1) Creating opportunities for enhanced and
15 ongoing professional development that improves the
16 subject matter knowledge of foreign language teach-
17 ers.

18 “(2) Recruiting university students with foreign
19 language majors for teaching.

20 “(3) Promoting strong teaching skills for for-
21 eign language teachers and teacher educators.

22 “(4) Establishing foreign language summer
23 workshops or institutes (including follow-up) for
24 teachers.

1 “(5) Establishing distance learning programs
2 for foreign language teachers.

3 “(6) Designing programs to prepare a teacher
4 at a school to provide professional development to
5 other teachers at the school and to assist novice
6 teachers at such school, including (if applicable) a
7 mechanism to integrate experiences from a summer
8 workshop or institute.

9 “(7) Developing instruction materials.

10 “(f) EVALUATION AND ACCOUNTABILITY PLAN.—
11 Each eligible partnership receiving a grant under this sec-
12 tion shall develop an evaluation and accountability plan
13 for activities assisted under this section that includes
14 strong performance objectives. The plan shall include ob-
15 jectives and measures for—

16 “(1) increased participation by students in ad-
17 vanced courses in foreign language;

18 “(2) increased percentages of secondary school
19 classes in foreign language taught by teachers with
20 academic majors in foreign language; and

21 “(3) increased numbers of foreign language
22 teachers who participate in content-based profes-
23 sional development activities.

24 “(g) REPORT.—Each eligible partnership receiving a
25 grant under this section shall annually report to the Sec-

1 retary regarding the eligible partnership’s progress in
2 meeting the performance objectives described in sub-
3 section (f).

4 “(h) TERMINATION.—If the Secretary determines
5 that an eligible partnership is not making substantial
6 progress in meeting the performance objectives described
7 in subsection (f) by the end of the third year of a grant
8 under this section, the grant payments shall not be made
9 for the fourth and fifth years of the grant.

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section,
12 such sums as may be necessary for fiscal year 2009 and
13 for each of the 4 succeeding fiscal years.”.

14 **SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.**

15 Part E of title VI, as redesignated by section 604
16 of this Act, is amended by inserting after section 641 (20
17 U.S.C. 1132 (as so redesignated)) the following new sec-
18 tion:

19 **“SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.**

20 “The Secretary may use not more than one percent
21 of the funds made available for this title for program eval-
22 uation, national outreach, and information dissemination
23 activities.”.

1 **SEC. 606. STUDENT SAFETY.**

2 Part E of title VI, as redesignated by section 604
3 of this Act, is further amended by inserting after section
4 642 (as added by section 605 of this Act) the following
5 new section:

6 **“SEC. 643. STUDENT SAFETY.**

7 “Applicants seeking funds under this title to support
8 student travel and study abroad shall submit as part of
9 their grant application a description of safety policies and
10 procedures for students participating in the program while
11 abroad.”.

12 **SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN**
13 **LANGUAGE EDUCATION GRANT PROGRAM.**

14 Part E of title VI, as redesignated by section 604
15 of this Act, is further amended by inserting after section
16 643 (as added by section 606 of this Act) the following
17 new section:

18 **“SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOR-**
19 **EIGN LANGUAGE EDUCATION GRANT PRO-**
20 **GRAM.**

21 “(a) PURPOSE.—It is the purpose of this section to
22 support programs in colleges and universities that—

23 “(1) encourage students to develop—

24 “(A) an understanding of science and tech-
25 nology; and

26 “(B) foreign language proficiency; and

1 “(2) foster future international scientific col-
2 laboration.

3 “(b) DEVELOPMENT.—The Secretary shall develop a
4 program for the awarding of grants to institutions of high-
5 er education that develop innovative programs for the
6 teaching of foreign languages.

7 “(c) REGULATIONS AND REQUIREMENTS.—The Sec-
8 retary shall promulgate regulations for the awarding of
9 grants under subsection (b). Such regulations shall require
10 institutions of higher education to use grant funds for,
11 among other things—

12 “(1) the development of an on-campus cultural
13 awareness program by which students attend classes
14 taught in a foreign language and study the science
15 and technology developments and practices in a non-
16 English speaking country;

17 “(2) immersion programs where students take
18 science or technology related course work in a non-
19 English speaking country; and

20 “(3) other programs, such as summer work-
21 shops, that emphasize the intense study of a foreign
22 language and science technology.

23 “(d) GRANT DISTRIBUTION.—In distributing grants
24 to institutions of higher education under this section, the
25 Secretary shall give priority to—

1 “(1) institutions that have programs focusing
2 on curricula that combine the study of foreign lan-
3 guages and the study of science and technology and
4 produce graduates who have both skills; and

5 “(2) institutions teaching critical foreign lan-
6 guages.

7 “(e) APPROPRIATIONS AUTHORIZED.—There are au-
8 thorized to be appropriated to carry out this section, such
9 sums as may be necessary for fiscal year 2009 and for
10 each subsequent fiscal year.”.

11 **SEC. 608. REPORTING BY INSTITUTIONS.**

12 Part E of title VI (20 U.S.C. 1122), as redesignated
13 by section 604 of this Act, is further amended by inserting
14 after section 644 (as added by section 607 of this Act)
15 the following new section:

16 **“SEC. 645. REPORTING BY INSTITUTIONS.**

17 “(a) APPLICABILITY.—The data requirement in sub-
18 section (b) shall apply to an institution of higher education
19 that receives funds for a center or program under this title
20 if—

21 “(1) the amount of cash, or the fair market
22 value, or both, of the contributions received from a
23 foreign government or private sector corporation,
24 foundation, or any other entity or individual (exclud-

1 ing domestic government entities) during any fiscal
2 year exceeds \$1,000,000 in the aggregate; and

3 “(2) the aggregate contribution is intended for
4 use directly or indirectly by a center or program re-
5 ceiving funds under this title.

6 “(b) DATA REQUIRED.—The Secretary shall require
7 of each institution to which this paragraph applies under
8 subsection (a), as part of the Integrated Postsecondary
9 Education Data System (IPEDS) annual data collection,
10 that such institution report the following data:

11 “(1) The names and addresses of any foreign
12 government or private sector corporation, founda-
13 tion, or any other entity or individual that contrib-
14 uted such amount of cash or such fair market value
15 of other property as described in subsection (a)(1).

16 “(2) The amount of such cash or the fair mar-
17 ket value of such property.

18 “(c) EXEMPTION FROM REPORTING.—The Secretary
19 may, at the request of the donor, exempt domestic donors
20 who make anonymous donations from the institutional re-
21 porting requirement of subsection (b)(1) to preserve the
22 anonymity of their contribution. The data of institutions
23 shall identify such donors as ‘anonymous’. This exemption
24 does not apply to non-domestic donations.

1 “(d) DEADLINE.—Any report under subsection (b)
2 shall be made no later than such date as the Secretary
3 shall require.

4 “(e) CONSEQUENCES OF FAILURE TO REPORT.—In
5 the case of any institution from which a report is re-
6 quested under subsection (b), if the Secretary does not re-
7 ceive a report in accordance with the deadline established
8 under subsection (d), the Secretary shall—

9 “(1) make a determination that the institution
10 of higher education has failed to make the report re-
11 quired by this paragraph;

12 “(2) transmit a notice of the determination to
13 Congress; and

14 “(3) publish in the Federal Register a notice of
15 the determination and the effect of the determina-
16 tion on the eligibility of the institution of higher
17 education for contracts and grants under this title.”.

18 **SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MAR-**
19 **KETING CAMPAIGN.**

20 The Secretary of Education shall establish a foreign
21 language education marketing campaign to encourage stu-
22 dents at secondary schools and institutions of higher edu-
23 cation to study foreign languages, particularly languages
24 that are less commonly taught and critical to the national
25 security of the United States.

TITLE VII—TITLE VII AMENDMENTS

SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) AUTHORITY AND TIMING OF AWARDS.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: “For purposes of the exception in the preceding sentence, a master’s degree in fine arts shall be considered a terminal degree.”.

(b) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.”.

(c) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting “from diverse geographic regions” after “higher education”; and

(2) by adding at the end the following new sentence: “The Secretary shall also assure that at least

1 one representative appointed to the Board represents
2 an institution that is eligible for a grant under title
3 III or V of this Act.”.

4 (d) STIPENDS.—Section 703 (20 U.S.C. 1134b) is
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “1999–2000” and inserting
8 “2009–2010”; and

9 (B) by striking “Foundation graduate fel-
10 lowships” and inserting “Foundation Graduate
11 Research Fellowship Program on February 1 of
12 such academic year”; and

13 (2) in subsection (b), by amending paragraph
14 (1)(A) to read as follows:

15 “(1) IN GENERAL.—(A) The Secretary shall (in
16 addition to stipends paid to individuals under this
17 subpart) pay to the institution of higher education,
18 for each individual awarded a fellowship under this
19 subpart at such institution, an institutional allow-
20 ance. Except as provided in subparagraph (B), such
21 allowance shall be, for academic year 2009–2010
22 and succeeding academic years, the same amount as
23 the institutional payment made for academic year
24 2008–2009, adjusted for academic year 2009–2010
25 and annually thereafter in accordance with inflation

1 as determined by the Department of Labor's Con-
2 sumer Price Index for All Urban Consumers for the
3 previous calendar year.”.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
5 705 (20 U.S.C. 1134d) is amended by striking “1999”
6 and inserting “2009”.

7 **SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**
8 **NEED.**

9 (a) DESIGNATION OF AREAS OF NATIONAL NEED;
10 PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—
11 (1) by amending subsection (b) to read as fol-
12 lows:

13 “(b) DESIGNATION OF AREAS OF NATIONAL
14 NEED.—After consultation with appropriate Federal and
15 nonprofit agencies and organizations, including the Na-
16 tional Science Foundation, the Department of Defense,
17 the Department of Homeland Security, the National Acad-
18 emy of Sciences, and the Bureau of Labor Statistics, the
19 Secretary shall designate areas of national need. In mak-
20 ing such designations, the Secretary shall take into consid-
21 eration—

22 “(1) the extent to which the interest in the area
23 is compelling;

1 “(2) the extent to which other Federal pro-
2 grams support postbaccalaureate study in the area
3 concerned;

4 “(3) an assessment of how the program may
5 achieve the most significant impact with available re-
6 sources;

7 “(4) an assessment of current and future pro-
8 fessional workforce needs of the United States; and

9 “(5) the priority described in subsection (c).”;
10 and

11 (2) by adding at the end the following new sub-
12 section:

13 “(c) PRIORITY.—The Secretary shall establish a pri-
14 ority for grants in order to prepare individuals for the pro-
15 fessorate who will train highly qualified elementary and
16 secondary mathematics and science teachers, special edu-
17 cation teachers, and teachers who provide instruction for
18 limited English proficient individuals. Such grants shall
19 offer program assistance and graduate fellowships for—

20 “(1) post baccalaureate study related to teacher
21 preparation and pedagogy in mathematics and
22 science for students who have completed a master’s
23 degree or are pursuing a doctorate of philosophy in
24 mathematics or science;

1 “(2) post baccalaureate study related to teacher
2 preparation and pedagogy in special education and
3 English language acquisition and academic pro-
4 ficiency for limited English proficient individuals;
5 and

6 “(3) support of dissertation research in the
7 fields of mathematics, science, special education, or
8 second language pedagogy and second language ac-
9 quisition.”.

10 (b) COLLABORATION REQUIRED FOR CERTAIN AP-
11 PLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is
12 amended—

13 (1) by striking “and” at the end of paragraph
14 (9);

15 (2) by redesignating paragraph (10) as para-
16 graph (11); and

17 (3) by inserting after paragraph (9) the fol-
18 lowing new paragraph:

19 “(10) in the case of an application from a de-
20 partment, program, or unit in education or teacher
21 preparation, provide assurances that such depart-
22 ment, program, or unit will collaborate with depart-
23 ments, programs, or units in all content areas to en-
24 sure a successful combination of training in both
25 teaching and such content; and”.

1 (c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b))
2 is amended—

3 (1) by striking “1999–2000” and inserting
4 “2009–2010”; and

5 (2) by striking “Foundation graduate fellow-
6 ships” and inserting “Foundation Graduate Re-
7 search Fellowship Program on February 1 of such
8 academic year”.

9 (d) ADDITIONAL ASSISTANCE.—Section 715(a)(1)
10 (20 U.S.C. 1135d(a)(1)) is amended—

11 (1) by striking “1999–2000” and inserting
12 “2009–2010”;

13 (2) by striking “1998–1999” and inserting
14 “2008–2009”; and

15 (3) by inserting “for All Urban Consumers”
16 after “Price Index”.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
18 716 (20 U.S.C. 1135e) is amended by striking “1999”
19 and inserting “2009”.

20 (f) TECHNICAL AMENDMENTS.—Section 714(c) (20
21 U.S.C. 1135c(c)) is amended—

22 (1) by striking “section 716(a)” and inserting
23 “section 715(a)”; and

24 (2) by striking “section 714(b)(2)” and insert-
25 ing “section 713(b)(2)”.

1 (g) ADDITIONAL TECHNICAL AMENDMENTS.—

2 (1) Section 711(a)(1) (20 U.S.C. 1135(a)) is
3 amended by inserting “(including a masters de-
4 gree)” after “leading to a graduate degree”.

5 (2) Section 712(a)(1) (20 U.S.C. 1135a(a)(1))
6 is amended by inserting “(including a masters de-
7 gree)” after “leading to a graduate degree”.

8 (3) Section 713 (b)(5)(C) (20 U.S.C.
9 1135b(b)(5)(C)) is amended by inserting “at the in-
10 stitution” before the semicolon at the end.

11 **SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OP-**
12 **PORTUNITY PROGRAM.**

13 (a) PROGRAM AUTHORITY.—Section 721(a) (20
14 U.S.C. 1136(a)) is amended—

15 (1) by inserting “middle and high school” after
16 “disadvantaged”; and

17 (2) by striking the period at the end of the sen-
18 tence and inserting “and admission to law prac-
19 tice.”.

20 (b) ELIGIBILITY.—Section 721(b) (20 U.S.C.
21 1136(b)) is amended by inserting “middle and high school
22 or” before “college student”.

23 (c) CONTRACT AND GRANT PURPOSES.—Section
24 721(c) (20 U.S.C. 1136(c)) is amended—

1 (1) by inserting “middle and high school stu-
2 dents” after “identify” in paragraph (1);

3 (2) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) to prepare such students for study at ac-
6 credited law schools and assist them with the devel-
7 opment of analytical skills and study methods to en-
8 hance their success and promote completion of law
9 school;”;

10 (3) by striking “and” at the end of paragraph
11 (4);

12 (4) by striking the period at the end of para-
13 graph (5) and inserting “; and”; and

14 (5) by adding at the end the following new
15 paragraph:

16 “(6) to award Thurgood Marshall Fellowships
17 to eligible law school students—

18 “(A) who participated in summer institutes
19 authorized by subsection (d) and who are en-
20 rolled in an accredited law school; or

21 “(B) who are eligible law school students
22 who have successfully completed a comparable
23 summer institute program certified by the
24 Council on Legal Educational Opportunity.”.

1 (d) SERVICES PROVIDED.—Section 721(d)(1)(D) (20
2 U.S.C. 1136(d)(1)(D)) is amended by inserting “in ana-
3 lytical skills and study methods” after “courses”.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
5 721(h) (20 U.S.C. 1136(h)) is amended by striking
6 “1999” and inserting “2009”.

7 (f) GENERAL PROVISIONS.—Subsection (e) of section
8 731 (20 U.S.C. 1137(e)) is repealed.

9 **SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.**

10 Part A of title VII (20 U.S.C. 1134) is further
11 amended—

12 (1) by redesignating subpart 4 as subpart 6;

13 (2) in the heading of section 731, by striking
14 “**SUBPARTS 1, 2, AND 3**” and inserting “**SUB-**
15 **PARTS 1 THROUGH 5**”;

16 (3) in subsections (a) and (b) of section 731, by
17 striking “subparts 1, 2, and 3” each place it appears
18 and inserting “subparts 1 through 5”;

19 (4) in subsection (d) of such section, by striking
20 “subpart 1, 2, or 3” and inserting “subpart 1, 2, 3,
21 4, or 5”; and

22 (5) by inserting after subpart 3 the following
23 new subpart:

1 **“Subpart 4—Patsy T. Mink Fellowship Program**

2 **“SEC. 722. PATSY T. MINK FELLOWSHIPS.**

3 “(a) PURPOSE; DESIGNATION.—

4 “(1) PURPOSE.—It is the purpose of this sub-
5 part to provide a program of fellowship awards to
6 assist highly qualified minorities and women to ac-
7 quire the terminal master’s degree or the doctorate
8 degree in academic areas in which such individuals
9 are underrepresented for the purpose of entering the
10 higher education professoriate.

11 “(2) ELIGIBLE INSTITUTIONS.—For purposes
12 of this subpart, the term ‘eligible institution’ means
13 an institution of higher education, or a consortium
14 of such institutions, that offers a program of post
15 baccalaureate study leading to a graduate degree.

16 “(3) DESIGNATION.—Each recipient of a fellow-
17 ship award from an institution receiving a grant
18 under this subpart shall be known as a Patsy T.
19 Mink Graduate Fellow.

20 “(b) PROGRAM AUTHORIZED.—

21 “(1) GRANTS BY SECRETARY.—

22 “(A) IN GENERAL.—From funds made
23 available under subsection (e), the Secretary
24 shall make grants to eligible institutions of
25 higher education to enable such institutions to

1 make fellowship awards to qualified students in
2 accordance with the provisions of this subpart.

3 “(B) PRIORITY CONSIDERATION.—In mak-
4 ing grant awards under this subpart, the Sec-
5 retary shall consider the applicant institution’s
6 prior experience in producing doctorates and
7 terminal master’s degree holders who are mi-
8 norities and females, and shall give priority con-
9 sideration in making grants under this subpart
10 to those institutions with a demonstrated record
11 of producing minorities and women who have
12 earned such degrees.

13 “(2) DISTRIBUTION AND AMOUNTS OF
14 GRANTS.—

15 “(A) EQUITABLE DISTRIBUTION.—In mak-
16 ing such grants the Secretary shall, to the max-
17 imum extent feasible, ensure an equitable geo-
18 graphic distribution of awards and an equitable
19 distribution among eligible public and private
20 institutions of higher education that apply for
21 grants under this subpart and that demonstrate
22 the ability to achieve the purpose of this sub-
23 part.

24 “(B) SPECIAL RULE.—To the maximum
25 extent practical, the Secretary shall award at

1 least 50 percent of the amount appropriated
2 under this subpart to institutions of higher edu-
3 cation eligible for assistance under titles III and
4 V, or to consortia composed of otherwise eligible
5 institutions of higher education and such mi-
6 nority-serving institutions.

7 “(C) ALLOCATION.—In making such
8 grants the Secretary shall, consistent with sub-
9 paragraphs (A) and (B), allocate appropriated
10 funds to those institutions whose applications
11 indicate the ability to significantly increase the
12 numbers of minorities and women entering the
13 higher education professoriate and that commit
14 institutional resources to the attainment of the
15 purpose of this subpart. No grant made under
16 this subpart shall support fewer than fifteen de-
17 gree candidates consistent with subsection
18 (d)(2).

19 “(D) REALLOTMENT.—Whenever the Sec-
20 retary determines that an institution of higher
21 education is unable to utilize all of the amounts
22 made available to it under this subpart, the
23 Secretary shall, on such dates during the fiscal
24 year as the Secretary may determine, reallocate
25 such unused amounts to institutions which

1 demonstrate that they can use any reallocated
2 grant funds to make fellowship awards to quali-
3 fied individuals under this subpart.

4 “(c) APPLICATIONS.—

5 “(1) APPLICATIONS REQUIRED.—Any eligible
6 institution of higher education offering a program of
7 post baccalaureate study leading to a graduate de-
8 gree that meets the purpose of this subpart may
9 apply for a grant. Each such institution, or consor-
10 tium of eligible institutions (including those institu-
11 tions specified in subsection (b)(2)(B)) may make an
12 application to the Secretary at such time, in such
13 manner, and containing or accompanied by such in-
14 formation as the Secretary may reasonably require.

15 “(2) SELECTION OF APPLICATIONS.—In select-
16 ing applications for the making grants to institu-
17 tions of higher education, the Secretary shall—

18 “(A) take into account the number and
19 distribution of minority and female faculty na-
20 tionally, as well as the current and projected
21 need for highly trained individuals—

22 “(i) in all areas of the higher edu-
23 cation professoriate; and

24 “(ii) in academic career fields in
25 which minorities and women are underrep-

1 resented in the higher education professo-
2 riate; and

3 “(B) consider the need to prepare a larger
4 number of minorities and women generally in
5 academic career fields of high national priority,
6 especially in areas in which such individuals are
7 traditionally underrepresented in college and
8 university faculties.

9 “(d) FELLOWSHIP TERMS AND CONDITIONS.—

10 “(1) SELECTION OF FELLOWS.—

11 “(A) ELIGIBLE APPLICANTS.—The Sec-
12 retary shall assure that, in awarding fellowships
13 from funds made available under this subpart,
14 grantee institutions make fellowship awards to
15 individuals who plan to pursue a career in in-
16 struction at any institution of higher education
17 that is eligible to participate in title IV pro-
18 grams.

19 “(B) ACADEMIC PROGRESS.—Notwith-
20 standing subparagraph (A), no otherwise eligi-
21 ble student selected for support shall receive a
22 fellowship award—

23 “(i) during periods in which such stu-
24 dent is enrolled, unless such student is
25 maintaining satisfactory academic progress

1 in, and devoting full-time to, study or re-
2 search in the pursuit of the degree for
3 which the fellowship support was awarded;
4 or

5 “(ii) if the student is engaged in gain-
6 ful employment, other than part-time em-
7 ployment related to teaching, research, or
8 a similar activity determined by the insti-
9 tution to be consistent with and supportive
10 of the student’s progress toward the appro-
11 priate degree.

12 “(2) SERVICE REQUIREMENT.—

13 “(A) TEACHING REQUIRED.—Each Patsy
14 T. Mink Graduate Fellow who earns the doc-
15 toral or terminal master’s degree with assist-
16 ance provided under this subpart shall teach at
17 an eligible institution for one year for each year
18 of fellowship assistance received under this sub-
19 part.

20 “(B) INSTITUTIONAL OBLIGATION.—Each
21 institution which receives an award from the
22 Secretary under this subpart shall provide an
23 assurance that it has inquired of and deter-
24 mined the fellowship recipient’s decision to,
25 within 3 years of receiving the doctorate or ter-

1 minal master's degree, begin employment at an
2 eligible institution of higher education as re-
3 quired by this subpart.

4 “(C) AGREEMENT REQUIRED.—Prior to
5 receiving the initial fellowship award, and upon
6 the annual renewal of the fellowship award, a
7 fellow shall sign an agreement with the Sec-
8 retary memorializing this commitment to enter
9 the professoriate.

10 “(D) CONSEQUENCES OF FAILURE.—If a
11 fellowship recipient fails to honor the service re-
12 quirement of this subsection, the Secretary
13 shall—

14 “(i) require the individual to repay all
15 or the applicable portion of the total fel-
16 lowship amount awarded to the individual
17 by converting the balance due to a loan at
18 the interest rate applicable to loans made
19 under part B of title IV; or

20 “(ii) require the individual to pay an
21 amount determined by the Secretary to be
22 appropriate, except as provided in subpara-
23 graph (E).

24 “(E) MODIFIED SERVICE REQUIREMENT.—
25 The Secretary may waive or modify the service

1 requirement of this paragraph based on regula-
2 tions, promulgated pursuant to and consistent
3 with criteria which determine the circumstances
4 under which compliance with the service obliga-
5 tion by the fellowship recipient would be inequi-
6 table and represent a substantial hardship. The
7 Secretary may waive the service requirement
8 if—

9 “(i) compliance by the fellowship re-
10 cipient would be deemed impossible be-
11 cause the individual is permanently and to-
12 tally disabled at the time of the waiver re-
13 quest; or

14 “(ii) compliance by the fellowship re-
15 cipient is based on documentation pre-
16 sented to the Secretary of substantial eco-
17 nomic or personal hardship, as determined
18 in accordance with regulations prescribed
19 by the Secretary.

20 “(3) AMOUNT OF FELLOWSHIP AWARDS.—

21 “(A) IN GENERAL.—From the grants
22 made pursuant to this subpart, eligible institu-
23 tions shall award stipends to individuals who
24 are awarded fellowships under this subpart.
25 Such stipends shall reflect the purpose of the

1 program authorized by this subpart to encour-
2 age highly qualified minorities and women to
3 pursue graduate study for the purpose of enter-
4 ing the higher education professoriate.

5 “(B) AWARDS BASED ON NEED.—Stipends
6 shall be in an amount equal to the level of sup-
7 port provided by the National Science Founda-
8 tion graduate fellowships, except that such sti-
9 pend shall be adjusted as necessary so as not
10 to exceed the fellow’s demonstrated need as de-
11 termined by the institution of higher education
12 where the graduate student is enrolled.

13 “(4) INSTITUTIONAL PAYMENTS.—

14 “(A) IN GENERAL.—The Secretary shall,
15 in addition to the amounts made available to in-
16 stitutions for stipends to individuals under this
17 subpart, pay to grantee institutions of higher
18 education, for each individual awarded a fellow-
19 ship under this subpart at such institution, an
20 institutional allowance. Except as provided for
21 in subparagraph (C), such allowance shall be,
22 for academic year 2009–2010 and succeeding
23 academic years, the same as the institutional
24 payment made for that year under the Grad-
25 uate Assistance in Areas of National Need pro-

1 gram in subpart 2 of part A, and shall be ad-
2 justed annually thereafter in accordance with
3 inflation as determined by the Department of
4 Labor’s Consumer Price Index for All Urban
5 Consumers for the previous calendar year.

6 “(B) USE OF FUNDS.—Institutional pay-
7 ments may be expended at the discretion of the
8 institution, except that such funds shall be used
9 to provide academic support and career transi-
10 tion services for participating fellows.

11 “(C) REDUCTION.—The institutional al-
12 lowance paid under subparagraph (A) shall be
13 reduced by the amount the institution charges
14 and collects from a fellowship recipient for tui-
15 tion and other expenses as part of the institu-
16 tion’s instructional program.

17 “(D) USE FOR OVERHEAD PROHIBITED.—
18 Funds made available pursuant to this subpart
19 may not be used for general operational over-
20 head of the academic department or institution
21 receiving such funds.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to appropriated to carry out this subpart
24 such sums as may be necessary for fiscal year 2009 and
25 for each of the 4 succeeding fiscal years.”.

1 **SEC. 705. MASTERS DEGREES PROGRAMS AT HISTORI-**
2 **CALLY BLACK COLLEGES AND UNIVERSITIES**
3 **AND OTHER MINORITY SERVING INSTITU-**
4 **TIONS.**

5 Part A of title VII (20 U.S.C. 1134) is further
6 amended by inserting after subpart 4 (as added by section
7 704 of this Act) the following subpart:

8 **“Subpart 5—Masters Degrees Programs at Histori-**
9 **cally Black Colleges and Universities and Other**
10 **Minority Serving Institutions**

11 **“SEC. 723. GRANTS TO ACADEMIC DEPARTMENTS AND PRO-**
12 **GRAMS AT ELIGIBLE INSTITUTIONS.**

13 **“(a) GRANT AUTHORITY.—**

14 **“(1) IN GENERAL.—**From the amounts appro-
15 priated under subsection (g), the Secretary shall
16 make grants to graduate academic departments, pro-
17 grams, and other academic units at historically
18 Black colleges and universities and other minority-
19 serving institutions that provide qualified courses of
20 study leading to a degree in a qualified masters de-
21 gree program described in subsection (d)(1)(B).
22 Such grants shall be used to make fellowship awards
23 to eligible students and may be combined with
24 matching grants from non-Federal sources to
25 strengthen qualified masters degree programs.

1 “(2) ADDITIONAL GRANTS.—From the amounts
2 appropriated under subsection (g), The Secretary
3 may also make grants to consortia and cooperative
4 arrangements among eligible institutions that submit
5 joint proposals, and have formal arrangements de-
6 signed to fulfill the purposes of this subpart.

7 “(b) AWARD AND DURATION OF GRANTS.—

8 “(1) AWARDS.—The Secretary shall make
9 awards to institutions that are eligible under sub-
10 section (d) and that submit an application to the
11 Secretary in accordance with subsection (c). Awards
12 shall be based on the following criteria:

13 “(A) The number of students enrolled in
14 the masters degree program.

15 “(B) The number of students who earned
16 such degrees in the previous year from the pro-
17 gram for which the eligible institution is seek-
18 ing funds.

19 “(C) The average cost of education per
20 student, for all full-time masters degree stu-
21 dents enrolled in the qualified masters degree
22 program.

23 “(D) The quality of the academic program
24 at the institution.

1 “(E) The quality of the application sub-
2 mitted by the institution or consortium.

3 “(2) DURATION AND AMOUNT.—

4 “(A) DURATION.—The Secretary shall
5 award a grant under this subpart for a period
6 of 5 years, which may be renewed for an addi-
7 tional 5 years consistent with subsection (c).

8 “(B) AMOUNT.—The Secretary shall award
9 a grant to an academic department, program,
10 or consortium at an eligible institution of higher
11 education under this subpart for a fiscal year in
12 an amount that is not less than \$100,000, and
13 not greater than \$750,000.

14 “(c) APPLICATION.—

15 “(1) CONTENTS OF APPLICATIONS.—An institu-
16 tion that is eligible under subsection (d) that seeks
17 a grant under this subpart shall submit an applica-
18 tion to the Secretary at such time, in such manner,
19 and accompanied by such information as the Sec-
20 retary may require. The application shall include—

21 “(A) a description of the qualified masters
22 degree program or programs that the institu-
23 tion intends to provide fellowship awards to, in-
24 cluding the number of student awards to be
25 made;

1 “(B) a budget describing the amount of
2 the fellowship awards to students for 2 succes-
3 sive academic years, based on the academic
4 progress of such students and the cost of at-
5 tendance at the eligible institution, except that
6 in no instance shall a graduate student receive
7 a fellowship in excess of the award level pro-
8 vided for such students by the National Science
9 Foundation;

10 “(C) a budget for stipends to students who
11 are awarded fellowships under this subpart in
12 order to encourage highly qualified students to
13 pursue graduate study for the purposes de-
14 scribed in this part; and

15 “(D) a description of activities to be un-
16 dertaken with institutional, private foundation,
17 or State matching funds that will be used to
18 contribute to the increased production of minor-
19 ity masters degree candidates.

20 “(2) PREFERENCE TO CONTINUING GRANT RE-
21 CIPIENTS.—

22 “(A) IN GENERAL.—The Secretary shall
23 make initial grant awards consistent with the
24 criteria in subsection (b)(1), and shall renew
25 such awards if the grantee demonstrates suc-

1 cess in satisfying the criteria in subparagraphs
2 (A) and (B) of such subsection by increasing
3 the number of African Americans and other mi-
4 norities earning masters degrees at the institu-
5 tion based on benchmarks established by the
6 Secretary.

7 “(B) RATABLE REDUCTION.—To the ex-
8 tent that appropriations are insufficient to com-
9 ply with subparagraph (A) and subsection
10 (b)(2)(B), available funds shall be distributed
11 by ratably reducing the amounts required to be
12 awarded under subsection (b)(2)(B).

13 “(d) INSTITUTIONAL ELIGIBILITY.—

14 “(1) QUALIFIED MASTERS DEGREE PRO-
15 GRAMS.—

16 “(A) IN GENERAL.—To be eligible to apply
17 for a grant under this part, an applicant shall
18 be an academic department, program, or unit at
19 an institution of higher education that is within
20 the meaning of the term ‘part B institution’ as
21 defined in section 322(2), that offers a qualified
22 masters degree program, and that is specifically
23 enumerated in paragraph (2), or a consortium
24 of such institutions.

1 “(B) QUALIFIED MASTERS DEGREE PRO-
2 GRAM.—For purposes of this subpart, the term
3 ‘qualified masters degree program’ means a
4 program of study leading to a masters degree
5 in the physical or natural sciences, mathe-
6 matics, engineering, computer science, informa-
7 tion technology, nursing, allied health, or re-
8 lated scientific or health field identified by the
9 Secretary.

10 “(C) LIMITATION.—No department, pro-
11 gram, or unit shall be eligible to apply unless
12 the qualified masters degree program has been
13 in existence and awarded such degrees for at
14 least four years.

15 “(2) ENUMERATED INSTITUTIONS.—For pur-
16 poses of paragraph (1)(A), the institutions enumer-
17 ated in this paragraph are—

18 “(A) Albany State University;

19 “(B) Alcorn State University;

20 “(C) Chicago State University;

21 “(D) Columbia Union College;

22 “(E) Coppin State University;

23 “(F) Elizabeth City State University;

24 “(G) Fayetteville State University;

25 “(H) Fisk University;

1 “(I) Fort Valley State University;
2 “(J) Grambling State University;
3 “(K) Kentucky State University;
4 “(L) Long Island University, Brooklyn
5 campus;
6 “(M) Mississippi Valley State University;
7 “(N) Robert Morris College;
8 “(O) Savannah State University;
9 “(P) South Carolina State University;
10 “(Q) University of Arkansas, Pine Bluff;
11 “(R) Virginia State University;
12 “(S) West Virginia State University;
13 “(T) Winston-Salem State University; and
14 “(U) York College, The City University of
15 New York.

16 “(3) LIMITATION.—No institution that is eligi-
17 ble for and receives an award under section 326 for
18 a fiscal year shall be eligible to apply for, or receive
19 funds under this subpart for the same fiscal year.

20 “(e) MATCHING FUNDS RULE.—Each eligible insti-
21 tution or consortium that receives an award under this
22 subpart, may elect to use up to 25 percent of the total
23 grant to carry out activities designed to strengthen its
24 qualified masters degree program. An institution that
25 elects to use funds for strengthening a qualified masters

1 degree program shall provide an equal amount for such
2 purpose from institutional, private foundation, or State
3 sources. Matching funds must supplement, not supplant,
4 existing resources available at the time of the Secretary's
5 award.

6 “(f) USES OF FUNDS.—Funds made available under
7 this section shall be used in accordance with the applica-
8 tion under subsection (c).

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated \$25,000,000 for fiscal
11 year 2009 and such sums as may be necessary for each
12 of the 4 succeeding fiscal years.”.

13 **SEC. 706. FUND FOR THE IMPROVEMENT OF POSTSEC-**
14 **ONDARY EDUCATION.**

15 (a) CONTRACT AND GRANT PURPOSES.—Section
16 741(a) (20 U.S.C. 1138(a)) is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) the encouragement of the reform and im-
20 provement of, and innovation in, postsecondary edu-
21 cation and the provision of educational opportunity
22 for all, especially for the non-traditional student pop-
23 ulations;”;

24 (2) in paragraph (2), by inserting before the
25 semicolon at the end the following: “for postsec-

1 ondary students, especially institutions, programs,
2 and joint efforts that provide academic credit for
3 programs”;

4 (3) by amending paragraph (3) to read as fol-
5 lows:

6 “(3) the establishment of institutions and pro-
7 grams based on the technology of communications,
8 including delivery by distance education;”;

9 (4) by amending paragraph (6) to read as fol-
10 lows:

11 “(6) the introduction of institutional reforms
12 designed to expand individual opportunities for en-
13 tering and reentering postsecondary institutions and
14 pursuing programs of postsecondary study tailored
15 to individual needs;”;

16 (5) by striking “and” at the end of paragraph
17 (7);

18 (6) by striking the period at the end of para-
19 graph (8) and inserting a semicolon; and

20 (7) by adding at the end the following new
21 paragraphs:

22 “(9) the assessment, in partnership with a pub-
23 lic or private nonprofit institution or agency, of the
24 performance of teacher preparation programs within
25 institutions of higher education in a State, using an

1 assessment which provides comparisons across such
2 institutions within the State based upon indicators
3 including teacher candidate knowledge in subject
4 areas in which such candidate has been prepared to
5 teach;

6 “(10) the support of efforts to establish pilot
7 programs and initiatives to help college campuses re-
8 duce illegal downloading of copyrighted content, in
9 order to improve the security and integrity of cam-
10 pus computer networks and save bandwidth costs;

11 “(11) the support of increased fire safety in
12 student housing—

13 “(A) by establishing a demonstration in-
14 centive program for qualified student housing in
15 institutions of higher education;

16 “(B) by making grants for the purpose of
17 installing fire alarm detection, prevention, and
18 protection technologies in student housing, dor-
19 mitories, and other buildings controlled by such
20 entities; and

21 “(C) by requiring, as a condition of such
22 grants—

23 “(i) that such technologies be installed
24 professionally to technical standards of the
25 National Fire Protection Association; and

1 “(ii) that the recipient shall provide
2 non-Federal matching funds in an amount
3 equal to the amount of the grant;

4 “(12) the assessment, in partnership with a
5 consortium of higher education organizations, of the
6 feasibility and potential design of an inter-institution
7 monitoring organization on gender and racial equal-
8 ity in campus faculty and administration;

9 “(13) the provision of support and assistance to
10 partnerships between institutions of higher education
11 and secondary schools with at least 10 percent of
12 their enrollment assessed as late-entering limited
13 English proficient students to establish programs
14 that result in increased secondary school graduation
15 rates of limited English proficient students and that
16 increase the number of eligible late-entering limited
17 English proficient students who pursue postsec-
18 ondary education opportunities;

19 “(14) the provision of support and assistance
20 for demonstration projects to provide comprehensive
21 support services to ensure that homeless students, or
22 students who were in foster care until the age of 18,
23 enroll and succeed in postsecondary education, in-
24 cluding providing housing to such students during
25 periods when housing at the institution of higher

1 education is closed or generally unavailable to other
2 students;

3 “(15) the support of efforts to work with orga-
4 nizations that are exempt from taxation under sec-
5 tion 501(c)(3) of the Internal Revenue Code of 1986
6 and institutions of higher education that seek to pro-
7 mote cultural diversity in the entertainment media
8 industry including through the training of students
9 in production, marketing, and distribution of cul-
10 turally relevant content; and

11 “(16) the creation of consortia that join diverse
12 institutions of higher education to design and offer
13 curricular and co-curricular interdisciplinary pro-
14 grams at the undergraduate and graduate levels,
15 sustained for not less than a 5 year period, that—

16 “(A) focus on poverty and human capa-
17 bility; and

18 “(B) include—

19 “(i) a service-learning component; and

20 “(ii) the delivery of educational serv-
21 ices through informational resource cen-
22 ters, summer institutes, mid-year seminars,
23 and other educational activities that stress
24 the effects of poverty and how poverty can

1 be alleviated through different career
2 paths.”.

3 (b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS
4 OF VETERANS OR MEMBERS OF THE MILITARY; CENTER
5 FOR BEST PRACTICES TO SUPPORT SINGLE PARENT
6 STUDENTS.—Section 741 (20 U.S.C. 1138) is further
7 amended by adding at the end the following new sub-
8 sections:

9 “(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS
10 OF VETERANS OR MEMBERS OF THE MILITARY.—

11 “(1) AUTHORIZATION.—The Secretary shall
12 contract with a nonprofit organization with dem-
13 onstrated experience in carrying out the activities
14 described in this subsection to carry out a program
15 to provide postsecondary education scholarships for
16 eligible students.

17 “(2) ELIGIBLE STUDENTS.—In this subsection,
18 the term ‘eligible student’ means an individual who
19 is—

20 “(A)(i) a dependent student who is a child
21 of—

22 “(I) an individual who is—

23 “(aa) serving on active duty dur-
24 ing a war or other military operation

1 or national emergency (as defined in
2 section 481); or

3 “(bb) performing qualifying Na-
4 tional Guard duty during a war or
5 other military operation or national
6 emergency (as defined in section 481);
7 or

8 “(II) a veteran who died while serving
9 or performing, as described in subclause
10 (I), since September 11, 2001, or has been
11 disabled while serving or performing, as
12 described in subclause (I), as a result of
13 such event; or

14 “(ii) an independent student who—

15 “(I) is a spouse of an individual who
16 is—

17 “(aa) serving on active duty dur-
18 ing a war or other military operation
19 or national emergency (as defined in
20 section 481); or

21 “(bb) performing qualifying Na-
22 tional Guard duty during a war or
23 other military operation or national
24 emergency (as defined in section 481);
25 or

1 “(II) was (at the time of the death of
2 the veteran) a spouse of a veteran who
3 died while serving or performing, as de-
4 scribed in subclause (I), since September
5 11, 2001, or has been disabled while serv-
6 ing or performing, as described in sub-
7 clause (I), as a result of such event; and

8 “(B) enrolled as a full-time or part-time
9 student at an institution of higher education (as
10 defined in section 102).

11 “(3) AWARDING OF SCHOLARSHIPS.—Scholar-
12 ships awarded under this subsection shall be award-
13 ed based on need with priority given to eligible stu-
14 dents who are eligible to receive Federal Pell Grants
15 under subpart 1 of part A of title IV.

16 “(4) MAXIMUM SCHOLARSHIP AMOUNT.—The
17 maximum scholarship amount awarded to an eligible
18 student under this subsection for an academic year
19 shall be \$5,000.

20 “(5) AMOUNTS FOR SCHOLARSHIPS.—All of the
21 amounts appropriated to carry out this subsection
22 for a fiscal year shall be used for scholarships
23 awarded under this subsection, except that a non-
24 profit organization receiving a contract under this

1 subsection may use not more than 1 percent of such
2 amounts for the administrative costs of the contract.

3 “(d) CENTER FOR BEST PRACTICES TO SUPPORT
4 SINGLE PARENT STUDENTS.—

5 “(1) PROGRAM AUTHORIZED.—The Secretary is
6 authorized to award 1 grant or contract to an insti-
7 tution of higher education to enable such institution
8 to establish and maintain a center to study and de-
9 velop best practices for institutions of higher edu-
10 cation to support single parents who are also stu-
11 dents attending such institutions.

12 “(2) INSTITUTION REQUIREMENTS.—The Sec-
13 retary shall award the grant or contract under this
14 subsection to a 4-year institution of higher education
15 that has demonstrated expertise in the development
16 of programs to assist single parents who are stu-
17 dents at institutions of higher education, as shown
18 by the institution’s development of a variety of tar-
19 geted services to such students, including on-campus
20 housing, child care, counseling, advising, internship
21 opportunities, financial aid, and financial aid coun-
22 seling and assistance.

23 “(3) CENTER ACTIVITIES.—The center funded
24 under this section shall—

1 “(A) assist institutions implementing inno-
2 vative programs that support single parents
3 pursuing higher education;

4 “(B) study and develop an evaluation pro-
5 tocol for such programs that includes quan-
6 titative and qualitative methodologies;

7 “(C) provide appropriate technical assist-
8 ance regarding the replication, evaluation, and
9 continuous improvement of such programs; and

10 “(D) develop and disseminate best prac-
11 tices for such programs.”.

12 (c) PROHIBITION.—Section 741 is further amended
13 by adding after subsection (d) (as added by subsection (b))
14 of this section) the following new subsection:

15 “(e) PROHIBITION.—No funds made available under
16 this part may be used to provide financial assistance—

17 “(1) to students who do not meet the require-
18 ments of section 484(a)(5); or

19 “(2) to any institution of higher education after
20 the date of enactment of this subsection unless the
21 institution demonstrates to the Secretary that the
22 institution meets or exceeds the most current version
23 of ASHRAE/IES Standard 90.1 (as such term is
24 used in section 342(a)(6) of the Energy Policy and
25 Conservation Act (42 U.S.C. 6313(a)(6)) for any

1 new facilities construction or major renovation of
2 that institution after that date, except that this
3 paragraph shall not apply with respect to barns or
4 greenhouses or similar structures owned by the insti-
5 tution.”.

6 (d) TECHNICAL AMENDMENTS.—Part B of title VII
7 (20 U.S.C. 1038 et seq.) is further amended—

8 (1) in section 742 (20 U.S.C. 1138a)—

9 (A) in subsection (b)—

10 (i) by striking “(1) IN GENERAL.—”;

11 and

12 (ii) by striking paragraph (2);

13 (B) in subsection (c), by striking “and the
14 Director” each place it appears; and

15 (C) in subsection (d), by striking “Direc-
16 tor” and inserting “Secretary”;

17 (2) in section 743 (20 U.S.C. 1138b)—

18 (A) by striking “(a) TECHNICAL EMPLOY-
19 EES.—”; and

20 (B) by striking subsection (b); and

21 (3) in section 744(a) (20 U.S.C. 1138c(a)), by
22 striking “Director” each place it appears and insert-
23 ing “Secretary”.

1 (e) AREAS OF NATIONAL NEED.—Section 744(c) (20
2 U.S.C. 1138c(c)) is amended by adding at the end the
3 following:

4 “(5) Establishment of academic programs in-
5 cluding graduate and undergraduate courses, semi-
6 nars and lectures, support of research, and develop-
7 ment of teaching materials for the purpose of sup-
8 porting faculty and academic programs that teach
9 traditional American history (including significant
10 constitutional, political, intellectual, economic, diplo-
11 matic, and foreign policy trends, issues, and docu-
12 ments; the history, nature, and development of
13 democratic institutions of which American democ-
14 racy is a part; and significant events and individuals
15 in the history of the United States).

16 “(6) Establishment of centers to incorporate
17 education in quality and safety into the preparation
18 of medical and nursing students, through grants to
19 medical schools, nursing schools, and osteopathic
20 schools. Such grants shall be used to assist in pro-
21 viding courses of instruction that specifically equip
22 students to understand the causes and remedies for
23 medical error, medically-induced patient injuries and
24 complications, and other defects in medical care; en-
25 gage effectively in personal and systemic efforts to

1 continually reduce medical harm; and improve pa-
2 tient care and outcomes, as recommended by the In-
3 stitute of Medicine.”.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
5 745 (20 U.S.C. 1138d) is amended by striking
6 “\$30,000,000 for fiscal year 1999” and inserting
7 “\$40,000,000 for fiscal year 2009”.

8 **SEC. 707. URBAN-SERVING RESEARCH UNIVERSITIES.**

9 Part C of title VII (20 U.S.C. 1139 et seq.) is amend-
10 ed to read as follows:

11 **“PART C—URBAN-SERVING RESEARCH**
12 **UNIVERSITIES**

13 **“SEC. 751. PURPOSE; PROGRAM AUTHORIZED.**

14 “(a) PURPOSE.—It is the purpose of this part to pro-
15 vide incentives to urban-serving research universities to
16 enable such universities to expand research knowledge and
17 to develop and implement initiatives in partnership with
18 community-based organizations and other public or non-
19 profit private entities to strengthen city economies, foster
20 innovation and opportunity, and solve urban challenges.

21 “(b) PROGRAM AUTHORIZED.—The Secretary is au-
22 thorized to award grants to urban-serving research univer-
23 sities to enable such universities to carry out the activities
24 described in section 753 in accordance with the provisions
25 of this part.

1 **“SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH**
2 **UNIVERSITY GRANTS.**

3 “(a) APPLICATION.—An urban-serving research uni-
4 versity seeking assistance under this part shall submit to
5 the Secretary an application at such time, in such manner,
6 and containing such information as the Secretary may rea-
7 sonably require.

8 “(b) PRIORITY IN SELECTION OF APPLICATIONS.—
9 The Secretary shall give priority to applications that pro-
10 pose to conduct joint projects supported by Federal, State,
11 and local programs other than the program under this
12 Act. In addition, the Secretary shall give priority to urban-
13 serving research universities with a demonstrated record
14 of effective engagement in serving the communities in
15 which such universities are located.

16 **“SEC. 753. ALLOWABLE ACTIVITIES.**

17 “An urban-serving research university shall use funds
18 awarded under this part to further develop and apply re-
19 search findings to the development, implementation, and
20 ongoing evaluation of—

21 “(1) systemic initiatives with elementary and
22 secondary schools and other educational organiza-
23 tions designed to—

24 “(A) improve teacher quality and reten-
25 tion; or

1 “(B) develop strategies to improve postsec-
2 ondary and workplace readiness, particularly in
3 fields related to science, technology, engineer-
4 ing, and mathematics;

5 “(2) innovative economic revitalization efforts
6 in conjunction with community-based organizations
7 and other public or nonprofit private entities; or

8 “(3) public health outreach, education, and
9 intervention activities designed to reduce health dis-
10 parities in urban areas, in partnership with commu-
11 nity-based organizations and other public or non-
12 profit private entities.

13 **“SEC. 754. DEFINITIONS.**

14 “As used in this part:

15 “(1) URBAN AREA.—The term ‘urban area’
16 means a city with a population of not less than
17 200,000 within a metropolitan statistical area.

18 “(2) URBAN-SERVING RESEARCH UNIVER-
19 SITY.—The term ‘urban-serving research university’
20 means a public institution of higher education
21 that—

22 “(A) meets the requirements of section
23 101;

24 “(B) is located in an urban area;

1 “(C) has the capacity to conduct applicable
2 research, as demonstrated by awarding more
3 than 10 doctoral degrees per academic year;

4 “(D) draws a substantial portion of its stu-
5 dents from the urban area in which such insti-
6 tution is located; and

7 “(E) has demonstrated and sustained a
8 sense of responsibility to such urban area and
9 the people of such area.

10 **“SEC. 755. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this part \$50,000,000 for fiscal year 2009 and such sums
13 as may be necessary for each of the 4 succeeding fiscal
14 years.”.

15 **SEC. 708. PROGRAMS TO ENSURE STUDENTS WITH DISABIL-**
16 **ITIES RECEIVE A QUALITY HIGHER EDU-**
17 **CATION.**

18 (a) SERVING ALL STUDENTS WITH DISABILITIES.—
19 Section 762(a) (20 U.S.C. 1140a(a)) is amended by strik-
20 ing “students with learning disabilities” and inserting
21 “students with disabilities”.

22 (b) AUTHORIZED ACTIVITIES.—

23 (1) AMENDMENT.—Section 762(b)(2) is amend-
24 ed—

25 (A) in subparagraph (A)—

1 (i) by inserting “, including methods
2 and strategies consistent with the prin-
3 ciples of universal design for learning”
4 after “strategies”; and

5 (ii) by inserting “in order to improve
6 retention and completion” after “disabil-
7 ities”;

8 (B) by redesignating subparagraphs (B)
9 and (C) as subparagraphs (C) and (F), respec-
10 tively;

11 (C) by inserting after subparagraph (A)
12 the following new subparagraph:

13 “(B) EFFECTIVE TRANSITION PRAC-
14 TICES.—The development of innovative, effec-
15 tive, and efficient teaching methods and strate-
16 gies to ensure the smooth transition of students
17 with disabilities from high school to postsec-
18 ondary education.”; and

19 (D) by inserting after subparagraph (C)
20 (as redesignated by subparagraph (B) of this
21 paragraph) the following new subparagraphs:

22 “(D) DISTANCE LEARNING.—The develop-
23 ment of innovative, effective, and efficient
24 teaching methods and strategies to provide fac-
25 ulty and administrators with the ability to pro-

1 vide accessible distance education programs or
2 classes that would enhance access of students
3 with disabilities to higher education, including
4 the use of accessible electronic communication
5 for instruction and advisement.

6 “(E) ACCESSIBILITY OF EDUCATION.—

7 Making postsecondary education more acces-
8 sible to students with disabilities through the
9 use of accessible instructional materials and
10 curriculum development, consistent with the
11 principles of universal design for learning.”.

12 (2) REPORT.—Section 762 is further amended

13 by adding at the end the following new subsection:

14 “(d) REPORT.—Not later than 3 years after the date
15 of enactment of the College Opportunity and Affordability
16 Act of 2008, the Secretary shall prepare and disseminate
17 a report reviewing the activities of the demonstration
18 projects authorized under this subpart and providing guid-
19 ance and recommendations on how successful projects can
20 be replicated.”.

21 (3) CONFORMING AMENDMENT.—Section

22 762(b)(3) is amended by striking “subparagraphs
23 (A) through (C)” and inserting “subparagraphs (A)
24 through (F)”.

1 (c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b)
2 is amended—

3 (1) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) a description of how such institution plans
6 to address the activities allowed under this sub-
7 part;”;

8 (2) in paragraph (2)—

9 (A) by striking “institution to develop”
10 and inserting “institution, including students
11 with disabilities, to develop”; and

12 (B) by striking “and” at the end;

13 (3) by striking the period at the end of para-
14 graph (3) and inserting “; and”; and

15 (4) by adding at the end the following new
16 paragraph:

17 “(4) a description of the extent to which an in-
18 stitution will work to replicate the best practices of
19 institutions of higher education with demonstrated
20 success in serving students with disabilities.”.

21 (d) AUTHORIZATION OF APPROPRIATIONS FOR DEM-
22 ONSTRATION PROJECTS TO ENSURE STUDENTS WITH
23 DISABILITIES RECEIVE A QUALITY HIGHER EDU-
24 CATION.—Section 765 (20 U.S.C. 1140d) is amended by
25 striking “1999” and inserting “2009”.

1 (e) NATIONAL TECHNICAL ASSISTANCE CENTER;
2 COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO
3 SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION
4 PROGRAMS FOR STUDENTS WITH INTELLECTUAL DIS-
5 ABILITIES; COORDINATING CENTER.—Part D of title VII
6 (20 U.S.C. 1140 et seq.) is further amended—

7 (1) in the part heading, by striking “**DEM-**
8 **ONSTRATION PROJECTS**” and inserting “**PRO-**
9 **GRAMS**”;

10 (2) by inserting after the part heading the fol-
11 lowing:

12 **“Subpart 1—Quality Higher Education”;**

13 and

14 (3) by adding at the end the following:

15 **“Subpart 2—National Technical Assistance Center;**
16 **Commission on Accessible Materials; Programs**
17 **to Support Improved Access to Materials**
18 **“SEC. 766. NATIONAL CENTER.**

19 “(a) PURPOSE.—It is the purpose of this subpart to
20 support the development of a national center to provide
21 information and technical assistance for students with dis-
22 abilities to improve the postsecondary recruitment, reten-
23 tion, and completion success rates of such students.

24 “(b) ESTABLISHMENT AND SUPPORT.—The Office of
25 Postsecondary Education shall, by grant, contract, or co-

1 operative agreement with an eligible entity or partnership
2 of two or more eligible entities, provide for the establish-
3 ment and support of a National Center for Information
4 and Technical Support for Postsecondary Students with
5 Disabilities (hereinafter in this subpart referred to as the
6 ‘Center’) which shall carry out the duties set forth in sub-
7 section (d).

8 “(c) ELIGIBLE ENTITY.—In this subpart, the term
9 ‘eligible entity’ means an institution of higher education
10 or a private nonprofit organization with demonstrated ex-
11 pertise in—

12 “(1) supporting postsecondary students with
13 disabilities;

14 “(2) technical knowledge necessary for the ac-
15 cessible dissemination of information; and

16 “(3) working with a diverse range of types of
17 institutions of higher education, including commu-
18 nity colleges.

19 “(d) DUTIES.—The duties of the Center shall include
20 the following:

21 “(1) ASSISTANCE TO STUDENTS AND FAMI-
22 LIES.—The Center shall provide information and
23 technical assistance to students with disabilities and
24 their families related to practices supporting stu-

1 dents across a broad spectrum of disabilities, includ-
2 ing—

3 “(A) information to assist prospective stu-
4 dents with disabilities in planning their postsec-
5 ondary academic career while they are in middle
6 and secondary school;

7 “(B) research-based supports, services, and
8 accommodations which are available in postsec-
9 ondary settings, including services provided by
10 other agencies such as vocational rehabilitation;

11 “(C) information on student mentoring
12 and networking opportunities; and

13 “(D) successful recruitment and transition
14 programs in existence in postsecondary institu-
15 tions.

16 “(2) ASSISTANCE TO INSTITUTIONS OF HIGHER
17 EDUCATION.—The Center shall provide information
18 and technical assistance to faculty, staff, and admin-
19 istrators of institutions of higher education to im-
20 prove the services provided to, the accommodations
21 for, the retention rates of, and the completion rates
22 of, students with disabilities in higher education set-
23 tings, which may include—

1 “(A) collection and dissemination of prom-
2 ising practices and materials for accommoda-
3 tion and support of students with disabilities;

4 “(B) development and provision of training
5 modules for higher education faculty on exem-
6 plary practices for accommodating and sup-
7 porting students with disabilities across a range
8 of academic fields; and

9 “(C) development of Internet-based tuto-
10 rials for faculty, including graduate teaching
11 assistants and new faculty, on promising prac-
12 tices related to support and retention of stu-
13 dents with disabilities in postsecondary edu-
14 cation.

15 “(3) INFORMATION COLLECTION AND DISSEMI-
16 NATION.—The Center shall be responsible for build-
17 ing, maintaining, and updating a database of dis-
18 ability support services information with respect to
19 institutions of higher education, or for expanding
20 and updating an existing database of disabilities
21 support services information with respect to institu-
22 tions of higher education, which shall be available to
23 the general public through a website built to the
24 highest technical standards of accessibility currently
25 practicable for the broad spectrum of individuals

1 with disabilities. Such database and website shall in-
2 clude available information on—

3 “(A) disability documentation require-
4 ments;

5 “(B) support services available;

6 “(C) links to financial aid;

7 “(D) accommodations policies;

8 “(E) accessible instructional materials;

9 “(F) other topics relevant to students with
10 disabilities and prospective students with dis-
11 abilities; and

12 “(G) the information in the report de-
13 scribed in paragraph (5).

14 “(4) PROFESSIONAL STANDARDS FOR DIS-
15 ABILITY SUPPORT PERSONNEL.—The Center shall
16 work with organizations and individuals with proven
17 expertise related to disability support services for
18 postsecondary students with disabilities to consoli-
19 date, evaluate, improve upon, and disseminate infor-
20 mation related to professional standards and best
21 practices for disability support services personnel
22 and offices in institutions of higher education.

23 “(5) REVIEW AND REPORT.—Not later than 3
24 years after the establishment of the Center, and
25 every 2 years thereafter, the Center shall prepare

1 and disseminate a report to Congress and the Sec-
2 retary analyzing the current condition of postsec-
3 ondary success for students with disabilities. Such
4 report shall include—

5 “(A) a review of the activities of the pro-
6 grams authorized under this part;

7 “(B) annual enrollment and graduation
8 rates of students with disabilities in institutions
9 of higher education from existing data;

10 “(C) guidance on how successful postsec-
11 ondary supports and services for students with
12 disabilities could be widely implemented at in-
13 stitutions of higher education;

14 “(D) guidance on how to reduce barriers to
15 full participation for students with disabilities
16 in higher education; and

17 “(E) a description of activities necessary to
18 facilitate a substantial improvement in the post-
19 secondary success of such students.

20 “(e) STAFFING OF THE CENTER.—The Center shall
21 employ disability support personnel with proven expertise
22 in providing training and technical assistance to practi-
23 tioners.

1 **“SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION**
2 **ON ACCESSIBLE INSTRUCTIONAL MATERIALS**
3 **IN POSTSECONDARY EDUCATION FOR STU-**
4 **DENTS WITH DISABILITIES.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—The Secretary shall estab-
7 lish a commission to be known as the Advisory Com-
8 mission on Accessible Instructional Materials in
9 Postsecondary Education for Students with Disabil-
10 ities, in this subpart referred to as the ‘Commission’.

11 “(2) MEMBERSHIP.—

12 “(A) The Commission shall include one
13 representative of each of the following:

14 “(i) Department of Education Office
15 of Postsecondary Education.

16 “(ii) Department of Education Office
17 of Special Education and Rehabilitative
18 Services.

19 “(iii) Department of Education Office
20 for Civil Rights.

21 “(iv) Library of Congress National
22 Digital Information and Infrastructure
23 Preservation Program Copyright Working
24 Group.

25 “(v) Association on Higher Education
26 and Disability.

1 “(vi) Association of American Pub-
2 lishers.

3 “(vii) Association of American Univer-
4 sity Presses.

5 “(viii) National Association of College
6 Stores.

7 “(ix) National Council on Disability.

8 “(B) The Commission shall be composed of
9 at least one but not more than two representa-
10 tives, as appointed by the Secretary, of each of
11 the following:

12 “(i) Staff from institutions of higher
13 education with demonstrated experience
14 teaching or supporting students with print
15 disabilities, representing each of the fol-
16 lowing:

17 “(I) Large public institution of
18 higher education.

19 “(II) Small public institution of
20 higher education.

21 “(III) Large private institution
22 of higher education.

23 “(IV) Small private institution of
24 higher education.

25 “(V) Large community college.

1 “(VI) Small community college.

2 “(ii) Producers of materials in special-
3 ized formats, including each of the fol-
4 lowing:

5 “(I) Braille.

6 “(II) Audio or synthesized
7 speech.

8 “(III) Digital media.

9 “(iii) Developers of accessibility and
10 publishing software and supporting tech-
11 nologies.

12 “(iv) National organizations serving
13 individuals with visual impairments that
14 have demonstrated experience in tech-
15 nology evaluation research, academic pub-
16 lishing, production of material in accessible
17 formats, and educational methodologies for
18 such for individuals.

19 “(v) Postsecondary students with vis-
20 ual impairment.

21 “(vi) Postsecondary students with
22 dyslexia or other learning disabilities re-
23 lated to reading.

24 “(vii) Attorneys with expertise in
25 copyright law.

1 “(C) The Commission shall include at least
2 two, but not more than three, representatives as
3 appointed by the Secretary, of national mem-
4 bership organizations representing individuals
5 with print disabilities, including each of the fol-
6 lowing:

7 “(i) Individuals with visual impair-
8 ments.

9 “(ii) Individuals with learning disabil-
10 ities related to reading.

11 “(D) The appointments of the members of
12 the Commission shall be made not later than 45
13 days after the date of enactment of the College
14 Opportunity and Affordability Act of 2008.

15 “(3) PERIOD OF APPOINTMENT; VACANCIES.—
16 Members shall be appointed for the life of the Com-
17 mission. Any vacancy in the Commission shall not
18 affect its powers, but shall be filled in the same
19 manner as the original appointment.

20 “(4) INITIAL MEETING.—Not later than 30
21 days after the date on which all members of the
22 Commission have been appointed, the Commission
23 shall hold the Commission’s first meeting.

24 “(5) MEETINGS.—The Commission shall meet
25 at the call of the Chairperson. Meetings shall be

1 publicly announced in advance and open to the pub-
2 lic.

3 “(6) QUORUM.—A majority of the members of
4 the Commission shall constitute a quorum, but a
5 lesser number of members may hold hearings.

6 “(7) CHAIRPERSON AND VICE CHAIRPERSON.—
7 The Commission shall select a chairperson and vice
8 chairperson from among the members of the Com-
9 mission.

10 “(b) DUTIES OF THE COMMISSION.—

11 “(1) STUDY.—

12 “(A) IN GENERAL.—The Commission shall
13 conduct a thorough study to assess the barriers,
14 systemic issues, and technical solutions avail-
15 able which may affect or improve the timely de-
16 livery and quality of accessible instructional ma-
17 terials for postsecondary students, faculty, and
18 staff with print disabilities, and make rec-
19 ommendations related to the development of a
20 comprehensive approach that will ensure that
21 postsecondary students with print disabilities
22 can access instructional materials in specialized
23 formats in a timeframe comparable to the avail-
24 ability of standard instructional materials for
25 students without disabilities.

1 “(B) EXISTING INFORMATION.—To the ex-
2 tent practicable, in carrying out the study
3 under this paragraph, the Commission shall
4 identify and use existing research, recommenda-
5 tions, and information from—

6 “(i) the Model Demonstration Pro-
7 grams to Support Improved Access to
8 Postsecondary Instructional Materials for
9 Students with Print Disabilities, as de-
10 scribed in section 766B;

11 “(ii) the Advisory Council and the
12 Technical Assistance and Development
13 Centers of the National Instructional Ma-
14 terials Access Center;

15 “(iii) the Library of Congress Na-
16 tional Digital Information and Infrastruc-
17 ture Preservation Program Copyright
18 Working Group;

19 “(iv) the Association of Higher Edu-
20 cation and Disabilities E-Text Solutions
21 Working Group;

22 “(v) the Recording for the Blind and
23 Dyslexic’s Technology Advisory Committee;

1 “(vi) the Association of American
2 Publishers Higher Education Division’s
3 Critical Issues Task Force; and

4 “(vii) other existing research related
5 to the creation and distribution of acces-
6 sible instructional materials for students
7 with print disabilities.

8 “(C) RECOMMENDATIONS.—The Commis-
9 sion shall develop recommendations to be used
10 to inform Federal regulation and legislation, to
11 identify best practices for systems of creating,
12 collecting, maintaining, processing, and dissemi-
13 nating materials in specialized formats to eligi-
14 ble students, faculty, and staff while providing
15 adequate copyright protections. In developing
16 such recommendations, the Commission shall
17 consider—

18 “(i) how to ensure that students with
19 print disabilities may obtain instructional
20 materials in accessible formats within a
21 timeframe comparable to the availability of
22 materials for students without disabilities;

23 “(ii) the feasibility and technical pa-
24 rameters of establishing national standard-
25 ized electronic file formats such as, but not

1 limited to, the National Instructional Ma-
2 terials Accessibility Standard as defined in
3 section 674(e)(3)(B) of the Individuals
4 with Disabilities Education Act, to be pro-
5 vided by publishers of instructional mate-
6 rials to producers of specialized formats,
7 institutions of higher education, and eligi-
8 ble students;

9 “(iii) the feasibility of the establish-
10 ment of a national clearinghouse, reposi-
11 tory, or file-sharing network for electronic
12 files in specialized formats and files used
13 in producing instructional materials in spe-
14 cialized formats, and a list of possible enti-
15 ties qualified to administer such a clearing-
16 house, repository, or network;

17 “(iv) the feasibility of including such
18 a national clearinghouse, repository, or
19 file-sharing network in the duties of the
20 Center described in section 766;

21 “(v) market-based solutions involving
22 collaborations between publishers of in-
23 structional materials, producers of special-
24 ized formats, and institutions of higher
25 education, including—

1 “(I) barriers and opportunities to
2 market entry;

3 “(II) unique concerns affecting
4 university presses, small publishers,
5 and solutions incorporating such
6 works into a shared system; and

7 “(III) solutions utilizing uni-
8 versal design;

9 “(vi) solutions for low-incidence, high-
10 cost requests for materials in specialized
11 formats; and

12 “(vii) definitions of instructional ma-
13 terials, authorized entities, and eligible stu-
14 dents.

15 “(2) REPORT.—Not later than 24 months after
16 the first meeting, the Commission shall submit a re-
17 port to the Secretary and to Congress that shall con-
18 tain a detailed statement of the findings and conclu-
19 sions of the Commission resulting from the study
20 under subsection (a), together with the Commis-
21 sion’s recommendations for such legislation and ad-
22 ministrative actions as the Commission considers to
23 be appropriate to implement the development of a
24 comprehensive approach that will ensure that post-
25 secondary students with print disabilities can access

1 instructional materials in specialized formats in a
2 timeframe comparable to the availability of standard
3 instructional materials for students without disabili-
4 ties.

5 “(3) FACILITATION OF EXCHANGE OF INFOR-
6 MATION.—In carrying out the study under sub-
7 section (a), the Commission shall, to the extent prac-
8 ticable, facilitate the exchange of information con-
9 cerning the issues that are the subject of the study
10 among—

11 “(A) officials of the Federal Government;

12 “(B) educators from Federal, State, and
13 local institutions of higher education and sec-
14 ondary schools;

15 “(C) publishers of instructional materials;

16 “(D) producers of materials in specialized
17 formats;

18 “(E) representatives from the community
19 of individuals with print disabilities; and

20 “(F) participants in the Model Demonstra-
21 tion Programs to Support Improved Access to
22 Postsecondary Instructional Materials for Stu-
23 dents with Print Disabilities, as described in
24 section 766B.

25 “(c) COMMISSION PERSONNEL MATTERS.—

1 “(1) COMPENSATION OF MEMBERS.—Each
2 member of the Commission who is not an officer or
3 employee of the Federal Government shall serve
4 without compensation. All members of the Commis-
5 sion who are officers or employees of the United
6 States shall serve without compensation in addition
7 to that received for their services as officers or em-
8 ployees of the United States.

9 “(2) TRAVEL EXPENSES.—The members of the
10 Commission shall be allowed travel expenses, includ-
11 ing per diem in lieu of subsistence, at rates author-
12 ized for employees of agencies under subchapter I of
13 chapter 57 of title 5, United States Code, while
14 away from their homes or regular places of business
15 in the performance of services for the Commission.

16 “(3) STAFF.—

17 “(A) IN GENERAL.—The Chairperson of
18 the Commission may, without regard to the civil
19 service laws and regulations, appoint and termi-
20 nate an executive director and such other addi-
21 tional personnel as may be necessary to enable
22 the Commission to perform the Commission’s
23 duties. The employment of an executive director
24 shall be subject to confirmation by the Commis-
25 sion.

1 “(B) COMPENSATION.—The Chairperson
2 of the Commission may fix the compensation of
3 the executive director and other personnel with-
4 out regard to the provisions of chapter 51 and
5 subchapter III of chapter 53 of title 5, United
6 States Code, relating to classification of posi-
7 tions and General Schedule pay rates, except
8 that the rate of pay for the executive director
9 and other personnel may not exceed the rate
10 payable for level V of the Executive Schedule
11 under section 5316 of such title.

12 “(4) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Any Federal Government employee may be detailed
14 to the Commission without reimbursement, and such
15 detail shall be without interruption or loss of civil
16 service status or privilege.

17 “(5) PROCUREMENT OF TEMPORARY AND
18 INTERMITTENT SERVICES.—The Chairperson of the
19 Commission may procure temporary and intermit-
20 tent services under section 3109(b) of title 5, United
21 States Code, at rates for individuals that do not ex-
22 ceed the daily equivalent of the annual rate of basic
23 pay prescribed for level V of the Executive Schedule
24 under section 5316 of such title.

1 “(d) TERMINATION OF THE COMMISSION.—The
2 Commission shall terminate on the date that is 90 days
3 after the date on which the Commission submits the Com-
4 mission’s report under subsection (b)(2).

5 **“SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUP-**
6 **PORT IMPROVED ACCESS TO POSTSEC-**
7 **ONDARY INSTRUCTIONAL MATERIALS FOR**
8 **STUDENTS WITH PRINT DISABILITIES.**

9 “(a) PURPOSE.—It is the purpose of this section to
10 support model demonstration programs to encourage the
11 development of systems to improve the timely delivery and
12 quality of postsecondary instructional materials in special-
13 ized formats to students with print disabilities, including
14 systems to improve efficiency and reduce duplicative ef-
15 forts across multiple institutions of higher education.

16 “(b) IN GENERAL.—The Secretary shall, on a com-
17 petitive basis, award grants to, and enter into cooperative
18 agreements with, a minimum of one partnership of two
19 or more eligible entities to support the activities described
20 in subsections (d) and (e).

21 “(c) PARTNERSHIP OF ELIGIBLE ENTITIES.—In this
22 section, a partnership of two or more eligible entities—

23 “(1) shall include—

24 “(A) an institution of higher education
25 with demonstrated expertise in meeting the

1 needs of students with print disabilities, includ-
2 ing retention and completion of such students;
3 and

4 “(B) a public or private entity with dem-
5 onstrated expertise in working with the creation
6 of accessible instructional materials in special-
7 ized formats for postsecondary students with
8 print disabilities, and the technical development
9 expertise necessary for the efficient dissemina-
10 tion of such materials, including procedures to
11 protect against copyright infringement with re-
12 spect to the creation, use, and distribution of
13 print course materials in specialized formats;
14 and

15 “(2) may include one or more publishers of in-
16 structional materials.

17 “(d) REQUIRED ACTIVITIES.—The Secretary shall
18 support the development and implementation of the fol-
19 lowing:

20 “(1) Processes and systems to help identify,
21 and verify eligibility of, postsecondary students with
22 print disabilities in need of instructional materials in
23 specialized formats.

24 “(2) Procedures and systems to facilitate and
25 simplify request methods for accessible instructional

1 materials in specialized formats from eligible stu-
2 dents, which may include a single point-of-entry sys-
3 tem.

4 “(3) Procedures and systems to coordinate be-
5 tween institutions of higher education, publishers of
6 instructional materials, and entities that produce
7 materials in specialized formats, to efficiently facili-
8 tate requests for such materials, the responses to
9 such requests, and the delivery of such materials.

10 “(4) Delivery systems that will ensure the time-
11 ly provision of instructional materials in specialized
12 formats to eligible students, which may include elec-
13 tronic file distribution.

14 “(5) Systems to encourage reduction of duplica-
15 tive conversions of the same instructional materials
16 for multiple eligible students at multiple institutions
17 of higher education when such conversions may be
18 shared.

19 “(6) Procedures to protect against copyright in-
20 fringement with respect to the creation, use, and dis-
21 tribution of instructional materials while maintain-
22 ing accessibility for students with print disabilities,
23 which may include digital technologies such as
24 watermarking, fingerprinting, and other emerging
25 strategies.

1 “(7) Awareness, outreach, and training activi-
2 ties for faculty, staff, and students related to the ac-
3 quisition and dissemination of instructional mate-
4 rials in specialized formats and instructional mate-
5 rials utilizing universal design.

6 “(8) Evaluation of the effectiveness of the pro-
7 grams under this section.

8 “(9) Guidance on how successful procedures
9 and systems described in paragraphs (1) through (7)
10 could be disseminated and implemented on a na-
11 tional basis.

12 “(e) AUTHORIZED ACTIVITIES.—The Secretary may
13 support the development and implementation of the fol-
14 lowing:

15 “(1) Approaches limited to instructional mate-
16 rials used in smaller categories of postsecondary
17 courses, such as introductory, first-, and second-year
18 courses.

19 “(2) Market-based approaches for making in-
20 structional materials in specialized formats directly
21 available to eligible students at prices comparable to
22 standard instructional materials.

23 “(3) Approaches supporting a unified search
24 across multiple databases or lists of available mate-
25 rials.

1 “(f) APPLICATION.—A partnership of eligible entities
2 that wishes to apply for a grant under this section shall
3 submit an application for such grant at such time, in such
4 manner and in such format as the Secretary may pre-
5 scribe. The application shall include information on how
6 the partnership will implement activities under subsection
7 (d) and, as applicable, subsection (e).

8 “(g) PRIORITY.—In awarding grants under this sec-
9 tion, the Secretary shall give priority consideration to any
10 applications that include development and implementation
11 of the procedures and systems described in subsection
12 (e)(2) or (e)(3).

13 “(h) REPORT TO CONGRESS.—Not later than 3 years
14 after the date of the first grant award under this section,
15 the Secretary shall submit to Congress a report that in-
16 cludes—

17 “(1) the number of grants and the amount of
18 funds distributed under this section;

19 “(2) a summary of the purposes for which the
20 grants were provided and an evaluation of the
21 progress made under such grants;

22 “(3) a summary of the activities implemented
23 under subsection (d) and, as applicable, subsection
24 (e), including data on the number of students served

1 and the number of instructional material requests
2 executed and delivered in specialized formats; and

3 “(4) an evaluation of the effectiveness of pro-
4 grams funded under this section.

5 “(i) MODEL EXPANSION.—After 3 years, the Sec-
6 retary shall review the results of the evaluations of partici-
7 pating partnerships, as well as the Commission report de-
8 scribed in section 766A. If the Secretary finds that models
9 used under this section are effective in improving the time-
10 ly delivery and quality of materials in specialized formats
11 and provide adequate protections against copyright in-
12 fringement, the Secretary may expand the demonstration
13 program to additional grantees reflecting regional and
14 programmatic partnerships.

15 “(j) MODEL EXPANSION SPECIAL RULE.—The Com-
16 mission’s recommendations shall be submitted to the Sec-
17 retary and a public comment period shall be issued prior
18 to any expansion under subsection (i). No later than 90
19 days after close of public comment period, the Secretary
20 shall issue guidance to new and existing grantees, taking
21 into consideration the final Commission recommendations
22 and public comments.

23 “(k) RULE OF CONSTRUCTION.—Nothing in this sub-
24 part shall be construed to limit or preempt any State law
25 requiring the production or distribution of postsecondary

1 instructional materials in accessible formats to students
2 with disabilities.

3 **“SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this subpart such sums as may be necessary for fiscal year
6 2009 and each of the 4 succeeding fiscal years.

7 **“Subpart 3—Transition Programs for Students With**
8 **Intellectual Disabilities Into Higher Education;**
9 **Coordinating Center**

10 **“SEC. 767. PURPOSE.**

11 “The purpose of this subpart is to support model
12 demonstration programs that promote the successful tran-
13 sition of students with intellectual disabilities into higher
14 education.

15 **“SEC. 768. DEFINITIONS.**

16 “In this Act:

17 “(1) COMPREHENSIVE TRANSITION AND POST-
18 SECONDARY PROGRAM FOR STUDENTS WITH INTEL-
19 LECTUAL DISABILITIES.—The term ‘comprehensive
20 transition and postsecondary program for students
21 with intellectual disabilities’ means a degree, certifi-
22 cate, or nondegree program that is—

23 “(A) offered by an institution of higher
24 education;

1 “(B) designed to support students with an
2 intellectual disability who are seeking to con-
3 tinue academic, vocational, and independent liv-
4 ing instruction at an institution of higher edu-
5 cation in order to prepare for gainful employ-
6 ment and independent living;

7 “(C) includes an advising and curriculum
8 structure; and

9 “(D) requires students to participate on at
10 least a half-time basis, as determined by the in-
11 stitution, with such participation focusing on
12 academic components such as reading, language
13 arts, or math, and occurring through a com-
14 bination of one or more of the following activi-
15 ties:

16 “(i) Regular enrollment in courses of-
17 fered by the institution.

18 “(ii) Auditing or participating in
19 courses offered by the institution for which
20 the student does not receive regular aca-
21 demic credit.

22 “(iii) Enrollment in noncredit, non-
23 degree courses.

24 “(iv) Participation in internships or
25 apprenticeships.

1 “(2) STUDENT WITH AN INTELLECTUAL DIS-
2 ABILITY.—The term ‘student with an intellectual
3 disability’ means a student who is—

4 “(A) an individual whose mental retarda-
5 tion or other significant cognitive impairment
6 substantially impacts the individual’s intellec-
7 tual and cognitive functioning; and

8 “(B)(i) a student eligible for assistance
9 under the Individuals with Disabilities Edu-
10 cation Act who has completed secondary school;
11 or

12 “(ii) an individual who was, but is no
13 longer, eligible for assistance under the Individ-
14 uals with Disabilities Education Act because
15 the individual has exceeded the maximum age
16 for which the State in which the student resides
17 provides a free appropriate public education.

18 **“SEC. 769. MODEL COMPREHENSIVE TRANSITION AND**
19 **POSTSECONDARY PROGRAMS FOR STUDENTS**
20 **WITH INTELLECTUAL DISABILITIES.**

21 “(a) GRANTS AUTHORIZED.—

22 “(1) IN GENERAL.—The Office of Postsec-
23 ondary Education shall annually award grants, on a
24 competitive basis, to institutions of higher education
25 (or consortia of institutions of higher education), to

1 create or expand high-quality, inclusive model com-
2 prehensive transition and postsecondary programs
3 for students with intellectual disabilities.

4 “(2) DURATION OF GRANTS.—A grant under
5 this section shall be awarded for a period of 5 years.

6 “(b) APPLICATION.—An institution of higher edu-
7 cation (or a consortium) desiring a grant under this sec-
8 tion shall submit an application to the Office of Postsec-
9 ondary Education at such time, in such manner, and con-
10 taining such information as the Office of Postsecondary
11 Education may require.

12 “(c) PREFERENCE.—In awarding grants under this
13 section, the Office of Postsecondary Education shall give
14 preference to institutions of higher education (or con-
15 sortia) that—

16 “(1) are located in geographically diverse, un-
17 derserved areas; or

18 “(2) in the application submitted under sub-
19 section (b), agree to incorporate 1 or more of the
20 following elements into the model programs carried
21 out under the grant:

22 “(A) The formation of a partnership with
23 any relevant agency serving students with intel-
24 lectual disabilities, such as a vocational rehabili-
25 tation agency.

1 “(B) In the case of an institution of higher
2 education that provides institutionally owned or
3 operated housing for students attending the in-
4 stitution, the integration of students with intel-
5 lectual disabilities into such housing.

6 “(C) The involvement of students attend-
7 ing the institution of higher education who are
8 studying special education, general education,
9 vocational rehabilitation, assistive technology, or
10 related fields in the model program carried out
11 under the grant.

12 “(d) USE OF FUNDS.—An institution of higher edu-
13 cation (or consortium) receiving a grant under this section
14 shall use the grant funds to establish a model comprehen-
15 sive transition and postsecondary program for students
16 with intellectual disabilities that—

17 “(1) serves students with intellectual disabil-
18 ities;

19 “(2) provides individual supports and services
20 for the academic and social inclusion of students
21 with intellectual disabilities in academic courses, ex-
22 tracurricular activities, and other aspects of the in-
23 stitution of higher education’s regular postsecondary
24 program;

1 “(3) with respect to the students with intellec-
2 tual disabilities participating in the model program,
3 provides a focus on—

4 “(A) academic enrichment;

5 “(B) socialization;

6 “(C) independent living, including self-ad-
7 vocacy skills; and

8 “(D) integrated work experiences and ca-
9 reer skills that lead to gainful employment;

10 “(4) integrates person-centered planning in the
11 development of the course of study for each student
12 with an intellectual disability participating in the
13 model program;

14 “(5) participates with the coordinating center
15 established under section 770 in the evaluation of
16 the model program;

17 “(6) partners with 1 or more local educational
18 agencies to support the participation of students
19 with intellectual disabilities in the model program
20 who are still eligible for special education and re-
21 lated services under the Individuals with Disabilities
22 Education Act, including regarding the utilization of
23 funds available under part B of such Act for such
24 students;

1 “(7) plans for the sustainability of the model
2 program after the end of the grant period; and

3 “(8) creates and offers a meaningful credential
4 for students with intellectual disabilities upon the
5 completion of the model program.

6 “(e) MATCHING REQUIREMENT.—An institution of
7 higher education that receives a grant under this section
8 shall provide matching funds toward the cost of the model
9 comprehensive transition and postsecondary program for
10 students with intellectual disabilities carried out under the
11 grant, which may be provided in cash or in kind, in an
12 amount not less than 25 percent of the amount of such
13 grant funds.

14 “(f) REPORT.—Not later than 5 years after the date
15 of the first grant award under this section, the Office of
16 Postsecondary Education shall prepare and disseminate a
17 report to the authorizing committees and to the public
18 that reviews the activities of the model comprehensive
19 transition and postsecondary programs for students with
20 intellectual disabilities authorized under this subpart and
21 provides guidance and recommendations on how successful
22 programs can be replicated.

1 **“SEC. 770. COORDINATING CENTER FOR TECHNICAL AS-**
2 **SISTANCE, EVALUATION, AND DEVELOPMENT**
3 **OF STANDARDS.**

4 “(a) IN GENERAL.—

5 “(1) AWARD.—The Office of Postsecondary
6 Education shall, on a competitive basis, enter into a
7 cooperative agreement with an eligible entity, for the
8 purpose of establishing a coordinating center for
9 technical assistance, evaluation, and recommenda-
10 tions related to the development of accreditation
11 standards for institutions of higher education that
12 offer inclusive comprehensive transition and postsec-
13 ondary programs for students with intellectual dis-
14 abilities.

15 “(2) DURATION.—The cooperative agreement
16 under this section shall be for a period of 5 years.

17 “(b) REQUIREMENTS OF COOPERATIVE AGREE-
18 MENT.—The eligible entity entering into a cooperative
19 agreement under this section shall establish and maintain
20 a center that shall—

21 “(1) serve as the technical assistance entity for
22 all comprehensive transition and postsecondary pro-
23 grams for students with intellectual disabilities as-
24 sisted under section 769;

1 “(2) provide technical assistance regarding the
2 development, evaluation, and continuous improve-
3 ment of such programs;

4 “(3) develop an evaluation protocol for such
5 programs that includes qualitative and quantitative
6 methodology measuring student outcomes and pro-
7 gram strengths in the areas of academic enrichment,
8 socialization, independent living, and competitive or
9 supported employment;

10 “(4) assist recipients of grants under section
11 769 in efforts to award a meaningful credential to
12 students with intellectual disabilities upon the com-
13 pletion of such programs, which credential takes into
14 consideration unique State factors;

15 “(5) define the necessary components of such
16 programs, such as—

17 “(A) academic, vocational, social, and inde-
18 pendent living skills;

19 “(B) evaluation of student progress;

20 “(C) program administration and evalua-
21 tion;

22 “(D) student eligibility; and

23 “(E) issues regarding the equivalency of a
24 student’s participation in such programs to se-
25 mester, trimester, quarter, credit, or clock

1 hours at an institution of higher education, as
2 the case may be;

3 “(6) analyze possible funding streams for such
4 programs and provide recommendations regarding
5 funding streams;

6 “(7) develop model memoranda of agreement
7 between institutions of higher education and agen-
8 cies providing funding for such programs;

9 “(8) develop mechanisms for regular commu-
10 nication between the recipients of grants under sec-
11 tion 769 regarding such programs;

12 “(9) host a meeting of all recipients of grants
13 under section 769 not less often than once each
14 year; and

15 “(10) convene a workgroup to develop rec-
16 ommendations on criteria, standards, and compo-
17 nents of such programs as described in paragraph
18 (5), to include the participation of—

19 “(A) an expert in higher education;

20 “(B) an expert in special education;

21 “(C) a disability organization that rep-
22 resents students with intellectual disabilities;
23 and

1 “(D) a national, State, or regional accred-
2 iting agency or association recognized by the
3 Secretary under subpart 2 of part H of title IV.

4 “(c) REPORT.—No later than 5 years after the date
5 of the establishment of the coordinating center under this
6 section, such center shall report to the Secretary, the Con-
7 gress, and the National Advisory Committee on Institu-
8 tional Quality and Integrity on the recommendations of
9 the workgroup described in subsection (b)(10).

10 “(d) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
11 tion, the term ‘eligible entity’ means an entity, or a part-
12 nership of entities, that has demonstrated expertise in the
13 fields of higher education, students with intellectual dis-
14 abilities, the development of comprehensive transition and
15 postsecondary programs for students with intellectual dis-
16 abilities, evaluation, and technical assistance.

17 **“SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated such sums
19 as may be necessary to carry out this subpart for fiscal
20 year 2009 and each of the 4 succeeding fiscal years.”.

21 (f) CONFORMING AMENDMENTS.—Part D of title VII
22 (20 U.S.C. 1140 et seq.) is further amended—

23 (1) in section 761, by striking “part” and in-
24 serting “subpart”;

1 (2) in section 762 (as amended by subsection
2 (a)), by striking “part” each place the term appears
3 and inserting “subpart”;

4 (3) in section 763, in the matter preceding
5 paragraph (1), by striking “part” and inserting
6 “subpart”;

7 (4) in section 764, by striking “part” and in-
8 serting “subpart”; and

9 (5) in section 765, by striking “part” and in-
10 serting “subpart”.

11 **SEC. 709. SUBGRANTS TO NONPROFIT ORGANIZATIONS.**

12 Section 771(e) (20 U.S.C. 1141(e)), as added by sec-
13 tion 802 of the College Cost Reduction and Access Act
14 of 2007, is amended by inserting after “of this Act)” the
15 following: “, or those who have agreements with the Sec-
16 retary under section 435(j)”.

17 **SEC. 710. NURSING EDUCATION.**

18 Title VII (20 U.S.C. 1133 et seq.) is further amended
19 by adding at the end the following new part:

20 **“PART F—NURSING EDUCATION**

21 **“SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR**

22 **GRADUATE-LEVEL NURSING STUDENTS.**

23 “(a) AUTHORIZATION.—The Secretary shall award
24 grants to institutions of higher education that offer—

1 “(1) a R.N. nursing program at the bacca-
2 laureate or associate degree level to enable such pro-
3 gram to expand the faculty and facilities of such
4 program to accommodate additional R.N. nursing
5 program students; or

6 “(2) a graduate-level nursing program to ac-
7 commodate advanced practice degrees for Registered
8 Nurses or to accommodate students enrolled in a
9 graduate-level nursing program to provide teachers
10 of nursing students.

11 “(b) DETERMINATION OF NUMBER OF STUDENTS
12 AND APPLICATION.—Each institution of higher education
13 that offers a program described in subsection (a) that de-
14 sires to receive a grant under this section shall—

15 “(1) determine for the 4 academic years pre-
16 ceding the academic year for which the determina-
17 tion is made the average number of matriculated
18 nursing program students, in each of the institu-
19 tion’s nursing programs (associate, baccalaureate, or
20 advanced nursing degree program), at such institu-
21 tion for such academic years; and

22 “(2) submit an application to the Secretary at
23 such time, in such manner, and accompanied by
24 such information as the Secretary may require, in-
25 cluding the average number in each of the institu-

1 tion’s nursing programs determined under para-
2 graph (1).

3 “(c) GRANT AMOUNT; AWARD BASIS.—

4 “(1) GRANT AMOUNT.—For each academic year
5 after academic year 2008–2009, the Secretary is au-
6 thorized to provide to each institution of higher edu-
7 cation awarded a grant under this section an
8 amount that is equal to \$3,000 multiplied by the
9 number of matriculated nursing program students at
10 such institution for such academic year that is more
11 than the average number determined with respect to
12 such institution under subsection (b)(1). Such
13 amount shall be used for the purposes described in
14 subsection (a).

15 “(2) DISTRIBUTION OF GRANTS AMONG DIF-
16 FERENT DEGREE PROGRAMS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), from the funds available to award
19 grants under this section for each fiscal year,
20 the Secretary shall—

21 “(i) use 20 percent of such funds to
22 award grants under this section to institu-
23 tions of higher education for the purpose
24 of accommodating advanced practice de-

1 grees or students in graduate-level nursing
2 programs;

3 “(ii) use 40 percent of such funds to
4 award grants under this section to institu-
5 tions of higher education for the purpose
6 of expanding R.N. nursing programs at the
7 baccalaureate degree level; and

8 “(iii) use 40 percent of such funds to
9 award grants under this section to institu-
10 tions of higher education for the purpose
11 of expanding R.N. nursing programs at the
12 associate degree level.

13 “(B) DISTRIBUTION OF EXCESS FUNDS.—

14 If, for a fiscal year, funds described in clause
15 (i), (ii), or (iii) of subparagraph (A) remain
16 available after the Secretary awards grants
17 under this section to all applicants for the par-
18 ticular category of nursing programs described
19 in such clause, the Secretary shall use equal
20 amounts of the remaining funds to award
21 grants under this section to applicants for the
22 remaining categories of nursing programs.

23 “(C) EQUITABLE DISTRIBUTION.—In
24 awarding grants under this section, the Sec-
25 retary shall, to the extent practicable, ensure—

1 “(i) an equitable geographic distribu-
2 tion of the grants among the States; and

3 “(ii) an equitable distribution of the
4 grants among different types of institu-
5 tions of higher education.

6 “(d) PROHIBITION.—

7 “(1) USE OF FUNDS.—Funds provided under
8 this section may not be used for the construction of
9 new facilities.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1) shall be construed to prohibit funds
12 provided under this section from being used for the
13 repair or renovation of facilities.

14 **“SEC. 777. NURSE FACULTY PILOT PROJECT.**

15 “(a) PURPOSES.—The purposes of this section are to
16 create a pilot program—

17 “(1) to provide scholarships to qualified nurses
18 in pursuit of an advanced degree with the goal of be-
19 coming faculty members in an accredited nursing
20 program; and

21 “(2) to provide grants to partnerships between
22 accredited schools of nursing and hospitals or health
23 facilities to ensure that those employees can earn a
24 salary while obtaining an advanced degree in nursing
25 with the goal of becoming nurse faculty.

1 “(b) ASSISTANCE AUTHORIZED.—

2 “(1) COMPETITIVE GRANTS AUTHORIZED.—The
3 Secretary may, on a competitive basis, award grants
4 to, and enter into contracts and cooperative agree-
5 ments with, partnerships composed of an accredited
6 school of nursing at an institution of higher edu-
7 cation and a hospital or health facility to establish
8 not more than 5 pilot projects to enable such hos-
9 pital or health facility to retain its staff of experi-
10 enced nurses while providing a mechanism to have
11 such nurses become, through an accelerated nursing
12 education program, faculty members of an accred-
13 ited school of nursing.

14 “(2) DURATION; EVALUATION AND DISSEMINA-
15 TION.—

16 “(A) DURATION.—Grants under this sec-
17 tion shall be awarded for a period of 3 to 5
18 years.

19 “(B) MANDATORY EVALUATION AND DIS-
20 SEMINATION.—Grants under this section shall
21 be primarily used for evaluation, and dissemina-
22 tion to other institutions of higher education, of
23 the information obtained through the activities
24 described in subsection (a)(2).

1 “(3) CONSIDERATIONS IN MAKING AWARDS.—

2 In awarding grants and entering into contracts and
3 cooperative agreements under this section, the Sec-
4 retary shall consider the following:

5 “(A) GEOGRAPHIC DISTRIBUTION.—Pro-
6 viding an equitable geographic distribution of
7 such grants.

8 “(B) RURAL AND URBAN AREAS.—Distrib-
9 uting such grants to urban and rural areas.

10 “(C) RANGE AND TYPE OF INSTITUTION.—
11 Ensuring that the activities to be assisted are
12 developed for a range of types and sizes of in-
13 stitutions of higher education, including institu-
14 tions providing alternative methods of delivery
15 of instruction in addition to on-site learning.

16 “(D) PRIOR EXPERIENCE OR EXCEP-
17 TIONAL PROGRAMS.—The extent to which insti-
18 tutions of higher education have demonstrated
19 prior experience in providing advanced nursing
20 education programs to prepare nurses inter-
21 ested in pursuing a faculty role.

22 “(4) USES OF FUNDS.—Funds made available
23 by grant, contract, or cooperative agreement under
24 this section may be used—

1 “(A) to develop a new national demonstra-
2 tion initiative to align nursing education with
3 the emerging challenges of healthcare delivery;
4 and

5 “(B) for any one or more of the following
6 innovations in educational programs:

7 “(i) To develop a clinical simulation
8 laboratory in a hospital, health facility, or
9 accredited school of nursing.

10 “(ii) To purchase distance learning
11 technologies and to expand methods of de-
12 livery of instruction to include alternatives
13 in addition to on-site learning.

14 “(iii) To fund release time for quali-
15 fied nurses enrolled in the graduate nurs-
16 ing program.

17 “(iv) To provide for faculty salaries.

18 “(v) To collect and analyze data on
19 educational outcomes.

20 “(c) APPLICATIONS.—Each partnership desiring to
21 receive a grant, contract, or cooperative agreement under
22 this section shall submit an application to the Secretary
23 at such time, in such manner, and accompanied by such
24 information as the Secretary may require. Each applica-
25 tion shall include assurances that—

1 “(1) the individuals enrolled in the program will
2 be qualified nurses in pursuit of a master’s or doc-
3 toral degree in nursing and have a contractual obli-
4 gation with the hospital or health facility that is in
5 partnership with the institution of higher education;

6 “(2) the hospital or health facility of employ-
7 ment will be the clinical site for the accredited school
8 of nursing program if the program requires a clinical
9 site;

10 “(3) individuals enrolled in the program will
11 maintain their employment on at least a part-time
12 basis with the hospital or health facility that allowed
13 them to participate in the program, and will receive
14 an income from the hospital or health facility, as at
15 least a part-time employee, and release times or
16 flexible schedules to accommodate their program re-
17 quirements, as necessary; and

18 “(4) upon completion of the program, such indi-
19 viduals will be required to teach for 2 years in an
20 accredited school of nursing for each year of support
21 the individual received under this program.

22 “(d) DEFINITION.—For purposes of this section, the
23 term ‘health facility’ means an Indian Health Service cen-
24 ter, a Native Hawaiian health center, a hospital, a feder-
25 ally qualified health center, a rural health clinic, a nursing

1 home, a home health agency, a hospice program, a public
 2 health clinic, a State or local department of public health,
 3 a skilled nursing facility, or an ambulatory surgical center.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to carry out this section
 6 not more than \$10,000,000 for fiscal year 2009 and such
 7 sums as may be necessary for each of the 4 succeeding
 8 fiscal years.”.

9 **SEC. 711. NATIONAL STUDY ON HIGHER EDUCATION AC-**
 10 **CESS AND SUCCESS FOR STUDENTS WITH**
 11 **DISABILITIES.**

12 (a) STUDY.—The Comptroller General shall conduct
 13 a study of the barriers to, and opportunities for, the full
 14 participation of students with disabilities in institutions of
 15 higher education. The study shall address—

16 (1) the extent to which, and manner in which,
 17 students with disabilities are—

18 (A) prepared to participate in postsec-
 19 ondary education upon enrollment;

20 (B) applying to different types of institu-
 21 tions of higher education;

22 (C) accepted into different types of institu-
 23 tions of higher education;

24 (D) enrolling in and attending different
 25 types of institutions of higher education;

1 (E) utilizing financial aid programs; and

2 (F) completing programs of study at dif-
3 ferent types of institutions of higher education;

4 (2) factors that influence the accessibility of
5 higher education for a broad spectrum of students
6 with different disabilities, including—

7 (A) physical access;

8 (B) communication and outreach in acces-
9 sible formats, including websites, admissions in-
10 formation, financial aid information, and other
11 general information;

12 (C) availability of accessible instructional
13 materials in a timely manner;

14 (D) financial factors; and

15 (E) eligibility for, and ability to access,
16 adequate support services;

17 (3) the provision of accommodations for stu-
18 dents with disabilities on college entrance and grad-
19 uate admissions tests, including—

20 (A) the frequency of, and approval rate
21 for, accommodations requests;

22 (B) documentation requirements for ac-
23 commodation requests and criteria used to de-
24 termine if an accommodation is appropriate;
25 and

1 (C) challenges facing students in accessing
2 reasonable accommodations on such tests;

3 (4) the effectiveness and capacity of disability
4 support services in helping to recruit, retain, and
5 support students with disabilities to complete their
6 programs of study, and the role of disability support
7 services relative to other departments in institutions
8 of higher education, including—

9 (A) the number of staff working in dis-
10 ability support services offices;

11 (B) the budgets of disability support serv-
12 ices offices; and

13 (C) the placement of the disability support
14 services offices within the administrative struc-
15 ture of the institutions of higher education;

16 (5) the extent to which institutions of higher
17 education provide assistance to students with disabil-
18 ities to coordinate with, and receive services from,
19 other support programs that may be available to
20 such students, including services provided by local
21 educational agencies, vocational rehabilitation agen-
22 cies, Social Security, Medicaid, and other Federal,
23 State, and local programs; and

24 (6) in institutions of higher education that have
25 been effective in recruiting and graduating students

1 with disabilities, the factors that may contribute to
2 such effectiveness, including—

3 (A) faculty and staff preparation related to
4 working with students with disabilities;

5 (B) program characteristics;

6 (C) accommodations and supports avail-
7 able; and

8 (D) any other relevant factors.

9 (b) REPORT.—The Comptroller General shall submit
10 a report regarding the results of the study under sub-
11 section (a) to the authorizing committees (as defined in
12 section 103 of the Higher Education Act of 1965 (20
13 U.S.C. 1003)) no later than 24 months after the date of
14 the enactment of this Act.

15 **TITLE VIII—ADDITIONAL** 16 **PROGRAMS**

17 **SEC. 801. ADDITIONAL PROGRAMS.**

18 The Higher Education Act of 1965 is further amend-
19 ed by adding at the end the following new title:

20 **“TITLE VIII—ADDITIONAL** 21 **PROGRAMS**

22 **“SEC. 800. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this title such sums as may be necessary for fiscal year
25 2009 and each of the 4 succeeding fiscal years.

“PART A—LOW TUITION**“SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.**

“(a) REWARDS FOR LOW TUITION.—

“(1) GRANTS.—From funds made available under section 800, the Secretary shall award grants to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year:

(A) have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the postsecondary education price index for such academic year;

(B) are public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions; or (C) are public institutions of higher education that have a tuition increase of less than \$500 for a full-time undergraduate student.

“(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such

1 student to exceed the cost of attendance of the insti-
2 tution.

3 “(b) REWARDS FOR GUARANTEED TUITION.—

4 “(1) BONUS.—For each institution of higher
5 education that the Secretary determines complies
6 with the requirements of paragraph (2) or (3) of
7 this subsection, the Secretary shall provide to such
8 institution a bonus amount. Such institution shall
9 award the bonus amount in the form of need-based
10 aid first to students who are eligible for Federal Pell
11 Grants who were in attendance at the institution
12 during the award year that such institution satisfied
13 the eligibility criteria for maintaining low tuition and
14 fees, then to students who are eligible for Federal
15 Pell Grants who were not in attendance at the insti-
16 tution during such award year.

17 “(2) 4-YEAR INSTITUTIONS.—An institution of
18 higher education that provides a program of instruc-
19 tion for which it awards a bachelor’s degree complies
20 with the requirements of this paragraph if—

21 “(A) for a public institution of higher edu-
22 cation, such institution’s tuition is in the lowest
23 quartile of comparable institutions; or

24 “(B) for any institution of higher edu-
25 cation, such institution guarantees that for any

1 academic year (or the equivalent) beginning on
2 or after July 1, 2008, and for each of the 4
3 succeeding continuous academic years, the net
4 tuition charged to an undergraduate student
5 will not exceed—

6 “(i) for a public institution of higher
7 education, \$500 per year for a full-time
8 undergraduate student; or

9 “(ii) for any other institution of high-
10 er education—

11 “(I) the amount that the student
12 was charged for an academic year at
13 the time he or she first enrolled in the
14 institution of higher education, plus

15 “(II) the product of the percent-
16 age increase in the higher education
17 price index for the prior academic
18 year, or the most recent prior aca-
19 demic year for which data is available,
20 multiplied by the amount determined
21 under subclause (I).

22 “(3) LESS-THAN 4-YEAR INSTITUTIONS.—An
23 institution of higher education that does not provide
24 a program of instruction for which it awards a bach-

1 elor’s degree complies with the requirements of this
2 paragraph if—

3 “(A) for a public institution of higher edu-
4 cation, such institution’s tuition is in the lowest
5 quartile of comparable institutions; or

6 “(B) for any institution of higher edu-
7 cation, such institution guarantees that for any
8 academic year (or the equivalent) beginning on
9 or after July 1, 2008, and for each of the 1.5
10 succeeding continuous academic years, the net
11 tuition charged to an undergraduate student
12 will not exceed—

13 “(i) for a public institution of higher
14 education, \$500 per year for a full-time
15 undergraduate student; or

16 “(ii) for any other institution of high-
17 er education—

18 “(I) the amount that the student
19 was charged for an academic year at
20 the time he or she first enrolled in the
21 institution of higher education, plus

22 “(II) the product of the percent-
23 age increase in the higher education
24 price index for the prior academic
25 year, or the most recent prior aca-

1 demic year for which data is available,
2 multiplied by the amount determined
3 under subclause (I).

4 “(c) MAINTAINING AFFORDABLE TUITION.—

5 “(1) INSTITUTION REPORTS.—If an institution
6 of higher education has an increase in annual net
7 tuition (expressed as a percentage), for the most re-
8 cent academic year for which satisfactory data is
9 available, that is greater than the percentage in-
10 crease in the postsecondary education price index for
11 such academic year, and, with respect to any public
12 institution of higher education, has a tuition that is
13 not in the lowest quartile of comparable institutions
14 the institution or a representative association is re-
15 quired to submit to the Secretary the following in-
16 formation, within 6 months of such determination:

17 “(A) A report on the factors contributing
18 to the increase in the institution’s costs and the
19 increase in net tuition and fees charged to stu-
20 dents, including identification of the major
21 areas in the institution’s budget with the great-
22 est cost increases.

23 “(B) The institution’s 3 most recent Form
24 990s submitted to the Internal Revenue Serv-

1 ice, as required under section 6033 of the Inter-
2 nal Revenue Code of 1986.

3 “(C) A description of the major areas of
4 expenditures in the institution’s budget with the
5 greatest increase for such academic year.

6 “(D) A description of actions being taken
7 by the institution to reduce net tuition.

8 “(2) REPORT TO CONGRESS.—The Secretary
9 shall compile the information submitted under this
10 subsection and shall provide to the authorizing com-
11 mittees an annual report relating to such informa-
12 tion.

13 “(d) DEFINITIONS.—In this section:

14 “(1) NET TUITION.—The term ‘net tuition’
15 means the average tuition and fees charged to a full-
16 time undergraduate student by an institution of
17 higher education for an academic year, minus the
18 average grant amount received by such a student for
19 such academic year.

20 “(2) POSTSECONDARY EDUCATION PRICE
21 INDEX.—The term ‘postsecondary education price
22 index’ means the postsecondary education price
23 index developed pursuant to section 133(i).

1 **“PART B—COOPERATIVE EDUCATION**

2 **“SEC. 811. STATEMENT OF PURPOSE; DEFINITION.**

3 “(a) PURPOSE.—It is the purpose of this part to
4 award grants to institutions of higher education or com-
5 binations of such institutions to encourage such institu-
6 tions to develop and make available to as many of their
7 students as possible work experience that will aid such stu-
8 dents in future careers and will enable such students to
9 support themselves financially while in school.

10 “(b) DEFINITION.—In this part the term ‘cooperative
11 education’ means the provision of alternating or parallel
12 periods of academic study and public or private employ-
13 ment to give students work experiences related to their
14 academic or occupational objectives and an opportunity to
15 earn the funds necessary for continuing and completing
16 their education.

17 **“SEC. 812. RESERVATIONS.**

18 “(a) RESERVATIONS.—Of the amount appropriated
19 to carry out this part under section 800 in each fiscal
20 year—

21 “(1) not less than 50 percent shall be available
22 for awarding grants to institutions of higher edu-
23 cation and combinations of such institutions de-
24 scribed in section 813(a)(1)(A) for cooperative edu-
25 cation under section 813;

1 “(2) not less than 25 percent shall be available
2 for awarding grants to institutions of higher edu-
3 cation described in section 813(a)(1)(B) for coopera-
4 tive education under section 813;

5 “(3) not to exceed 11 percent shall be available
6 for demonstration projects under paragraph (1) of
7 section 814(a);

8 “(4) not to exceed 11 percent shall be available
9 for training and resource centers under paragraph
10 (2) of section 814(a); and

11 “(5) not to exceed 3 percent shall be available
12 for research under paragraph (3) of section 814(a).

13 “(b) AVAILABILITY OF APPROPRIATIONS.—Appro-
14 priations under this part shall not be available for the pay-
15 ment of compensation of students for employment by em-
16 ployers under arrangements pursuant to this part.

17 **“SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.**

18 “(a) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—The Secretary is author-
20 ized, from the amount available to carry out this
21 part under section 800 in each fiscal year and in ac-
22 cordance with the provisions of this part—

23 “(A) to award grants to institutions of
24 higher education or combinations of such insti-
25 tutions that have not received a grant under

1 this paragraph in the 10-year period preceding
2 the date for which a grant under this section is
3 requested to pay the Federal share of the cost
4 of planning, establishing, expanding, or car-
5 rying out programs of cooperative education by
6 such institutions or combinations of institu-
7 tions; and

8 “(B) to award grants to institutions of
9 higher education that are operating an existing
10 cooperative education program as determined
11 by the Secretary to pay the cost of planning, es-
12 tablishing, expanding, or carrying out programs
13 of cooperative education by such institutions.

14 “(2) PROGRAM REQUIREMENT.—Cooperative
15 education programs assisted under this section shall
16 provide alternating or parallel periods of academic
17 study and of public or private employment, giving
18 students work experience related to their academic
19 or occupational objectives and the opportunity to
20 earn the funds necessary for continuing and com-
21 pleting their education.

22 “(3) AMOUNT OF GRANTS.—

23 “(A) The amount of each grant awarded
24 pursuant to paragraph (1)(A) to any institution
25 of higher education or combination of such in-

stitutions in any fiscal year shall not exceed \$500,000.

“(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 812(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 814 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

“(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution’s cooperative education program’s personnel and operating budget for the preceding fiscal year.

1 “(iii) The minimum annual grant amount
2 which an institution of higher education is eligi-
3 ble to receive under paragraph (1)(B) is \$1,000
4 and the maximum annual grant amount is
5 \$75,000.

6 “(4) LIMITATION.—The Secretary shall not
7 award grants pursuant to paragraphs (1)(A) and
8 (B) to the same institution of higher education or
9 combination of such institution in any one fiscal
10 year.

11 “(5) USES.—Grants under paragraph (1)(B)
12 shall be used exclusively—

13 “(A) to expand the quality of and partici-
14 pation in a cooperative education program;

15 “(B) for outreach in new curricular areas;
16 and

17 “(C) for outreach to potential participants
18 including underrepresented and nontraditional
19 populations.

20 “(b) APPLICATIONS.—Each institution of higher edu-
21 cation or combination of such institutions desiring to re-
22 ceive a grant under this section shall submit an application
23 to the Secretary at such time and in such manner as the
24 Secretary shall prescribe. Each such application shall—

1 “(1) set forth the program or activities for
2 which a grant is authorized under this section;

3 “(2) specify each portion of such program or
4 activities which will be performed by a nonprofit or-
5 ganization or institution other than the applicant,
6 and the compensation to be paid for such perform-
7 ance;

8 “(3) provide that the applicant will expend dur-
9 ing the fiscal year for which the grant is awarded
10 for the purpose of such program or activities not less
11 than the amount expended for such purpose during
12 the previous fiscal year;

13 “(4) describe the plans which the applicant will
14 carry out to assure, and contain a formal statement
15 of the institution’s commitment which assures, that
16 the applicant will continue the cooperative education
17 program beyond the 5-year period of Federal assist-
18 ance described in subsection (c)(1) at a level which
19 is not less than the total amount expended for such
20 program during the first year such program was as-
21 sisted under this section;

22 “(5) provide that, in the case of an institution
23 of higher education that provides a 2-year program
24 which is acceptable for full credit toward a bach-
25 elor’s degree, the cooperative education program will

1 be available to students who are certificate or asso-
2 ciate degree candidates and who carry at least one-
3 half of the normal full-time academic workload;

4 “(6) provide that the applicant will—

5 “(A) make such reports as may be nec-
6 essary to ensure that the applicant is complying
7 with the provisions of this section, including re-
8 ports for the second and each succeeding fiscal
9 year for which the applicant receives a grant
10 with respect to the impact of the cooperative
11 education program in the previous fiscal year,
12 including—

13 “(i) the number of unduplicated stu-
14 dent applicants in the cooperative edu-
15 cation program;

16 “(ii) the number of unduplicated stu-
17 dents placed in cooperative education jobs;

18 “(iii) the number of employers who
19 have hired cooperative education students;

20 “(iv) the income for students derived
21 from working in cooperative education
22 jobs; and

23 “(v) the increase or decrease in the
24 number of unduplicated students placed in
25 cooperative education jobs in each fiscal

1 year compared to the previous fiscal year;
2 and

3 “(B) keep such records as may be nec-
4 essary to ensure that the applicant is complying
5 with the provisions of this part, including the
6 notation of cooperative education employment
7 on the student’s transcript;

8 “(7) describe the extent to which programs in
9 the academic disciplines for which the application is
10 made have had a favorable reception by public and
11 private sector employers;

12 “(8) describe the extent to which the institution
13 is committed to extending cooperative education on
14 an institution-wide basis for all students who can
15 benefit;

16 “(9) describe the plans that the applicant will
17 carry out to evaluate the applicant’s cooperative edu-
18 cation program at the end of the grant period;

19 “(10) provide for such fiscal control and fund
20 accounting procedures as may be necessary to assure
21 proper disbursement of, and accounting for, Federal
22 funds paid to the applicant under this part;

23 “(11) demonstrate a commitment to serving all
24 underserved populations at the institution; and

1 “(12) include such other information as may be
2 necessary to carry out the provisions of this part.

3 “(c) DURATION OF GRANTS; FEDERAL SHARE.—

4 “(1) DURATION OF GRANTS.—No individual in-
5 stitution of higher education may receive, individ-
6 ually or as a participant in a combination of such in-
7 stitutions—

8 “(A) a grant pursuant to subsection
9 (a)(1)(A) for more than 5 fiscal years; or

10 “(B) a grant pursuant to subsection
11 (a)(1)(B) for more than 5 fiscal years.

12 “(2) FEDERAL SHARE.—The Federal share of a
13 grant under subsection (a)(1)(A) may not exceed—

14 “(A) 85 percent of the cost of carrying out
15 the program or activities described in the appli-
16 cation in the first year the applicant receives a
17 grant under this section;

18 “(B) 70 percent of such cost in the second
19 such year;

20 “(C) 55 percent of such cost in the third
21 such year;

22 “(D) 40 percent of such cost in the fourth
23 such year; and

24 “(E) 25 percent of such cost in the fifth
25 such year.

1 “(3) SPECIAL RULE.—Any provision of law to
2 the contrary notwithstanding, the Secretary shall not
3 waive the provisions of this subsection.

4 “(d) MAINTENANCE OF EFFORT.—If the Secretary
5 determines that a recipient of funds under this section has
6 failed to maintain the fiscal effort described in subsection
7 (b)(3), then the Secretary may elect not to make grant
8 payments under this section to such recipient.

9 “(e) FACTORS FOR SPECIAL CONSIDERATION OF AP-
10 PLICATIONS.—

11 “(1) IN GENERAL.—In approving applications
12 under this section, the Secretary shall give special
13 consideration to applications from institutions of
14 higher education or combinations of such institu-
15 tions for programs which show the greatest promise
16 of success because of—

17 “(A) the extent to which programs in the
18 academic discipline with respect to which the
19 application is made have had a favorable recep-
20 tion by public and private sector employers;

21 “(B) the strength of the commitment of
22 the institution of higher education or combina-
23 tion of such institutions to cooperative edu-
24 cation as demonstrated by the plans and for-
25 malized institutional commitment statement

1 which such institution or combination has made
2 to continue the program after the termination
3 of Federal financial assistance;

4 “(C) the extent to which the institution or
5 combination of institutions is committed to ex-
6 tending cooperative education for all students
7 who can benefit; and

8 “(D) such other factors as are consistent
9 with the purposes of this section.

10 “(2) ADDITIONAL SPECIAL CONSIDERATION.—

11 The Secretary shall also give special consideration to
12 applications from institutions of higher education or
13 combinations of such institutions which demonstrate
14 a commitment to serving all underserved populations
15 attending such institutions.

16 **“SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS;**
17 **TRAINING AND RESOURCE CENTERS; AND RE-**
18 **SEARCH.**

19 “(a) AUTHORIZATION.—The Secretary is authorized,
20 in accordance with the provisions of this section, to make
21 grants and enter into contracts—

22 “(1) from the amounts available in each fiscal
23 year under section 812(a)(3), for the conduct of
24 demonstration projects designed to demonstrate or

1 determine the feasibility or value of innovative meth-
2 ods of cooperative education;

3 “(2) from the amounts available in each fiscal
4 year under section 812(a)(4), for the conduct of
5 training and resource centers designed to—

6 “(A) train personnel in the field of cooper-
7 ative education;

8 “(B) improve materials used in cooperative
9 education programs if such improvement is con-
10 ducted in conjunction with other activities de-
11 scribed in this paragraph;

12 “(C) furnish technical assistance to institu-
13 tions of higher education to increase the poten-
14 tial of the institution to continue to conduct a
15 cooperative education program without Federal
16 assistance;

17 “(D) encourage model cooperative edu-
18 cation programs which furnish education and
19 training in occupations in which there is a na-
20 tional need;

21 “(E) support partnerships under which an
22 institution carrying out a comprehensive cooper-
23 ative education program joins with one or more
24 institutions of higher education in order to (i)
25 assist the institution that is not the institution

1 carrying out the cooperative education program
2 to develop and expand an existing program of
3 cooperative education, or (ii) establish and im-
4 prove or expand comprehensive cooperative edu-
5 cation programs; and

6 “(F) encourage model cooperative edu-
7 cation programs in the fields of science and
8 mathematics for women and minorities who are
9 underrepresented in such fields; and

10 “(3) from the amounts available in each fiscal
11 year under section 812(a)(5), for the conduct of re-
12 search relating to cooperative education.

13 “(b) ADMINISTRATIVE PROVISION.—

14 “(1) IN GENERAL.—To carry out this section,
15 the Secretary may—

16 “(A) make grants to or contracts with in-
17 stitutions of higher education, or combinations
18 of such institutions; and

19 “(B) make grants to or contracts with
20 other public or private nonprofit agencies or or-
21 ganizations, whenever such grants or contracts
22 will make an especially significant contribution
23 to attaining the objectives of this section.

24 “(2) LIMITATION.—

1 “(A) The Secretary may not use more than
2 3 percent of the amount appropriated to carry
3 out this section in each fiscal year to enter into
4 contracts described in paragraph (1)(A).

5 “(B) The Secretary may use not more
6 than 3 percent of the amount appropriated to
7 carry out this section in each fiscal year to
8 enter into contracts described in paragraph
9 (1)(B).

10 “(c) SUPPLEMENT NOT SUPPLANT.—A recipient of
11 a grant or contract under this section may use the funds
12 provided only so as to supplement and, to the extent pos-
13 sible, increase the level of funds that would, in the absence
14 of such funds, be made available from non-Federal sources
15 to carry out the activities supported by such grant or con-
16 tract, and in no case to supplant such funds from non-
17 Federal sources.

18 **“PART C—COLLEGE PARTNERSHIP GRANTS**

19 **“SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.**

20 “(a) GRANTS AUTHORIZED.—From the amount ap-
21 propriated to carry out this part under section 800, the
22 Secretary shall award grants to eligible partnerships for
23 the purposes of developing and implementing articulation
24 agreements.

1 “(b) ELIGIBLE PARTNERSHIPS.—For purposes of
2 this part, an eligible partnership shall include at least two
3 institutions of higher education, or a system of institutions
4 of higher education, and may include either or both of the
5 following:

6 “(1) A consortia of institutions of higher edu-
7 cation.

8 “(2) A State higher education agency.

9 “(c) PRIORITY.—The Secretary shall give priority to
10 eligible partnerships that—

11 “(1) are located in a State that is in compliance
12 with section 486A; or

13 “(2) include—

14 “(A) 1 or more junior or community col-
15 leges (as defined by section 312(f) of this Act)
16 that award associate’s degrees; and

17 “(B) 1 or more institutions of higher edu-
18 cation that offer a baccalaureate or post bacca-
19 laureate degree not awarded by the institutions
20 described in subparagraph (A) with which it is
21 partnered.

22 “(d) MANDATORY USE OF FUNDS.—Grants awarded
23 under this part shall be used for—

24 “(1) the development of policies and programs
25 to expand opportunities for students to earn bach-

1 elor’s degrees, by facilitating the transfer of aca-
2 demic credits between institutions and expanding ar-
3 ticipation and guaranteed transfer agreements be-
4 tween institutions of higher education, including
5 through common course numbering and general edu-
6 cation core curriculum;

7 “(2) academic program enhancements; and

8 “(3) programs to identify and remove barriers
9 that inhibit student transfers, including techno-
10 logical and informational programs.

11 “(e) OPTIONAL USE OF FUNDS.—Grants awarded
12 under this part may be used for—

13 “(1) support services to students participating
14 in the program, such as tutoring, mentoring, and
15 academic and personal counseling; and

16 “(2) any service that facilitates the transition of
17 students between the partner institutions.

18 “(f) PROHIBITION.—No funds provided under this
19 section shall be used to financially compensate an institu-
20 tion for the purposes of entering into an articulation
21 agreement or for accepting students transferring into such
22 institution.

23 “(g) APPLICATIONS.—Any eligible partnership that
24 desires to obtain a grant under this section shall submit
25 to the Secretary an application at such time, in such man-

ner, and containing such information or assurances as the Secretary may require.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

“(i) DEFINITION.—For purposes of this section, the term ‘articulation agreement’ means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

“PART D—STUDENT SUCCESS GRANTS

“SEC. 826. STUDENT SUCCESS GRANTS.

“(a) AUTHORIZATION OF PILOT PROGRAM.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants on a competitive basis to eligible institutions for the purposes of helping low-income students succeed in persisting in and completing postsecondary education and training programs.

“(b) DEFINITIONS.—

“(1) ELIGIBLE INSTITUTION.—In this section, the term ‘eligible institution’ means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this section, an average

1 of not less than 50 percent of the institution's enter-
2 ing first-year students are enrolled in developmental
3 courses to bring reading, writing, or mathematics
4 skills up to college-level.

5 “(2) ELIGIBLE STUDENT.—In this section, the
6 term ‘eligible student’ means a student who—

7 “(A) is eligible to receive assistance under
8 section 401;

9 “(B) is a first-year student at the time of
10 entering the pilot program; and

11 “(C) is selected by an eligible institution to
12 participate in the pilot program.

13 “(c) APPLICATION.—An eligible institution seeking a
14 grant under this section shall submit an application to the
15 Secretary at such time, in such manner, and containing
16 such information as the Secretary may require.

17 “(d) STUDENT SUCCESS GRANT AMOUNT.—For an
18 award year, each institution selected to participate in this
19 pilot program shall receive an amount equal to \$1,500
20 multiplied by the number of students the institution se-
21 lects to participate in the pilot program in such year. An
22 institution shall not select more than 200 students to par-
23 ticipate in the pilot program under this section during
24 such year.

1 “(e) PRIORITY FOR REPLICATION OF EVIDENCE-
2 BASED POLICIES AND PRACTICES.—The Secretary shall
3 give priority to applications submitted by eligible institu-
4 tions that propose to replicate policies and practices that
5 have proven effective in increasing persistence and comple-
6 tion by low-income students or students in need of devel-
7 opmental education.

8 “(f) PEER REVIEW.—The Secretary shall convene a
9 peer review process to review applications for grants under
10 this section and to make recommendations to the Sec-
11 retary regarding the selection of grantees. Members of the
12 peer review committee shall include researchers and prac-
13 titioners who are recognized experts on services and poli-
14 cies to increase low income student success in postsec-
15 ondary education and training. No member of the com-
16 mittee shall be in a position to benefit financially from
17 the grants to eligible institutions under subsection (d).

18 “(g) MANDATORY USES.—An eligible institution that
19 receives a grant under this section shall use the grant
20 funds to assign a Student Success Coach to every first-
21 year student participating in the pilot program to provide
22 intensive career and academic advising, ongoing personal
23 help in navigating college services such as financial aid
24 and registration, and assistance in connecting to commu-

1 nity resources that can help students overcome family and
2 personal challenges to success. Student Success Coaches—

3 “(1) shall work with not more than 50 new stu-
4 dents during any academic period;

5 “(2) may be employees of academic depart-
6 ments, student services offices, community-based or-
7 ganizations, or other entities as deemed appropriate
8 by the institution; and

9 “(3) shall meet with each eligible student se-
10 lected for the pilot program before registration for
11 courses.

12 “(h) PERMISSIBLE USES.—An eligible institution
13 that receives a grant under this section may use the grant
14 funds to provide services and program innovations for stu-
15 dents participating in the pilot, including the following:

16 “(1) College and career success courses, with
17 tuition and fees for the course covered by the Stu-
18 dent Success Grant. These courses may cover college
19 success topics, including how to take notes, how to
20 study, how to take tests, and how to budget time,
21 and may also include a substantial career explo-
22 ration component. Institutions may use such courses
23 to help students develop a College and Career Suc-
24 cess Plan so that by the end of the first semester

1 the students have a clear sense of their career goals
2 and what classes to take to achieve such goals.

3 “(2) Work-study jobs with private employers in
4 the students’ fields of study.

5 “(3) Learning communities that ensure that
6 students participating in the pilot are clustered to-
7 gether for at least two courses beginning in the first
8 semester after enrolling and have other opportunities
9 to create and maintain bonds that allow them to
10 provide academic and social support to each other.

11 “(4) Curricular redesign, which may include
12 such innovations as ‘blended’ or accelerated remedi-
13 ation classes that help Student Success Grant recipi-
14 ents to attain college-level reading, writing, math
15 skills (or a combination thereof) more rapidly than
16 traditional remediation formats allow, and intensive
17 skills refresher classes, offered prior to each semes-
18 ter, to help students who have tested into remedial
19 coursework to reach entry level assessment scores
20 for the postsecondary programs they wish to enter.

21 “(5) Instructional support, such as learning
22 labs, supplemental instruction, and tutoring.

23 “(6) Assistance with support services, such as
24 child care and transportation.

1 “(i) GRANT PERIOD; ADDITIONAL TECHNICAL AS-
2 SISTANCE.—

3 “(1) GRANT PERIOD.—Grants made under this
4 section shall be for a period of not less than 60
5 months.

6 “(2) ADDITIONAL TECHNICAL ASSISTANCE.—
7 After 36 months, the Secretary shall review the per-
8 formance of the Student Success Grant pilot pro-
9 gram students at each institution, and if no signifi-
10 cant improvements have been made by Student Suc-
11 cess Grant pilot program students in persistence and
12 completion at an institution, then the Secretary shall
13 provide additional technical assistance to help the in-
14 stitution improve outcomes.

15 “(j) REQUIRED NON-FEDERAL SHARE.—

16 “(1) IN GENERAL.—Each institution partici-
17 pating in the pilot program under this section shall
18 provide a non-Federal match of 25 percent of the
19 amount of grant to carry out the activities of the
20 pilot program. The non-Federal share under this
21 section may be provided in cash or in kind.

22 “(2) EFFECT ON NEED ANALYSIS.—For the
23 purpose of calculating a student’s need in accord-
24 ance with part F of this title, services or benefits
25 under this section shall not be considered to be an

1 asset or income of the student or the students par-
2 ents.

3 “(k) TECHNICAL ASSISTANCE.—The Secretary shall
4 enter into contracts with private entities to provide such
5 technical assistance to grantees under this section as the
6 Secretary determines appropriate.

7 “(l) EVALUATION.—

8 “(1) OUTCOME EVALUATIONS.—The Secretary
9 shall conduct an evaluation of program outcomes
10 under the pilot program, and shall disseminate to
11 the public the findings from the evaluation and in-
12 formation on best practices. The Secretary is en-
13 couraged to partner with other providers of funds,
14 such as private foundations, to allow for use of an
15 experimental or quasi-experimental evaluation in at
16 least one of the pilot program sites.

17 “(2) INSTITUTIONAL PARTICIPATION.—As a
18 condition of receiving grants under this section, par-
19 ticipating institutions shall work with the evaluator
20 to track persistence and completion outcomes for
21 students in the pilot program, specifically the pro-
22 portion of these students who take and complete de-
23 velopmental education courses, the proportion who
24 take and complete college-level coursework, and the
25 proportion who complete certificates and degrees.

1 This data shall be broken down by race, ethnicity,
2 and age and the evaluator shall assist institutions in
3 analyzing this data to compare Student Success
4 Grant pilot program participants to comparable non-
5 participants, using statistical techniques to control
6 for differences in the groups.

7 “(3) ANNUAL REPORTS.—Participating institu-
8 tions under this section shall report on the data
9 specified in paragraph (2) annually and the Sec-
10 retary shall make this data publicly available.

11 **“PART E—JOBS TO CAREERS**

12 **“SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CA-**
13 **REERS.**

14 “(a) AUTHORIZATION OF PROGRAM.—From amounts
15 appropriated to carry out this part under section 800, the
16 Secretary shall award grants, on a competitive basis, to
17 institutions of higher education for the purposes of im-
18 proving developmental education, including English lan-
19 guage instruction, by customizing developmental education
20 to student career goals, and helping students move rapidly
21 from developmental coursework into for-credit occupa-
22 tional program courses and through program completion.
23 The grants under this section shall focus in particular on
24 creating bridges to for-credit occupational certificate pro-
25 grams that are articulated to degree programs.

1 “(b) APPLICATION.—An eligible institution seeking a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and containing
4 such information as the Secretary may require.

5 “(c) PRIORITIES.—The Secretary shall give priority
6 to applications that—

7 “(1) are from institutions of higher education
8 in which not less than 50 percent of the institution’s
9 entering first-year students who are subject to man-
10 datory assessment, are assessed as needing develop-
11 mental courses to bring reading, writing, or mathe-
12 matics skills up to college-level; and

13 “(2) propose to replicate practices that have
14 proven effective with adults or propose to collaborate
15 with adult education providers.

16 “(d) PEER REVIEW.—The Secretary shall convene a
17 peer review process to review applications for grants under
18 this section and to make recommendations to the Sec-
19 retary regarding the selection of grantees.

20 “(e) MANDATORY ACTIVITY.—An eligible institution
21 that receives a grant under this section shall use the grant
22 funds to create workforce bridge programs that customize
23 developmental education curricula, including English lan-
24 guage instruction, to the content of the for-credit occupa-
25 tional certificate or degree programs, or clusters of such

1 programs, in which developmental education students seek
2 to enroll. Such bridge programs may include those that
3 integrate the curricula and the instruction of both develop-
4 mental and college-level coursework or that dually enroll
5 students in remediation and college-level coursework.

6 “(f) PERMISSIBLE ACTIVITIES.—An eligible institu-
7 tion that receives a grant under this section, in addition
8 to creating workforce bridge programs, may use the grant
9 funds to carry out the following:

10 “(1) Design and implement innovative ways to
11 improve retention in and completion of develop-
12 mental education courses, including enrolling stu-
13 dents in cohorts, accelerating course content, inte-
14 grating remediation and college-level curricula and
15 instruction, dually enrolling students in develop-
16 mental and college-level courses, tutoring, providing
17 counseling and other supportive services, and giving
18 small, material incentives for attendance and per-
19 formance.

20 “(2) In consultation with faculty in the appro-
21 priate departments, redesignating class schedules to
22 meet the needs of working adults, such as by cre-
23 ating evening, weekend, modular, compressed, dis-
24 tance-learning formats, or other alternative sched-
25 ules.

1 “(3) Improving the quality of teaching in reme-
2 dial courses through professional development, re-
3 classification of such teaching positions, or other
4 means the eligible institution determines appro-
5 priate.

6 “(4) Any other activities the eligible institution
7 and the Secretary determine will promote retention
8 of, and completion by, students attending institu-
9 tions of higher education.

10 “(5) Fully advise students on the range of op-
11 tions and programs available, which may include: di-
12 ploma; certification; 2-year degree; associate’s de-
13 gree; transfer degree to upper division; and career
14 options.

15 “(g) GRANT PERIOD.—Grants made under this sec-
16 tion shall be for a period of not less than 36 months and
17 not more than 60 months.

18 “(h) TECHNICAL ASSISTANCE.—The Secretary shall
19 provide technical assistance to grantees under this section
20 throughout the grant period.

21 “(i) EVALUATION.—The Secretary shall conduct an
22 evaluation of program impacts under the demonstration
23 program, and shall disseminate to the public the findings
24 from the evaluation and information on best practices.
25 The Secretary is encouraged to partner with other pro-

1 viders of funds, such as private foundations, to allow for
 2 use of a random assignment evaluation in at least one of
 3 the demonstration sites.

4 “(j) DEFINITION OF INSTITUTION.—In this section,
 5 the term ‘institution of higher education’ means an insti-
 6 tution of higher education as defined in section 101(a).

7 **“PART F—PROJECT GRAD**

8 **“SEC. 836. PROJECT GRAD.**

9 “(a) PURPOSES.—The purposes of this part are—

10 “(1) to provide support and assistance to pro-
 11 grams implementing integrated education reform
 12 services in order to improve secondary school grad-
 13 uation and college attendance and completion rates
 14 for disadvantaged students; and

15 “(2) to promote the establishment of new pro-
 16 grams to implement such integrated education re-
 17 form services.

18 “(b) GRANT AUTHORIZED.—From the amount ap-
 19 propriated to carry out this part under section 800, the
 20 Secretary is authorized to award a grant to Project GRAD
 21 USA (referred to in this part as the ‘grantee’), a nonprofit
 22 educational organization that has as its primary purpose
 23 the improvement of secondary school graduation and col-
 24 lege attendance and completion rates for disadvantaged
 25 students, to implement and sustain the integrated edu-

1 cation reform services described in subsection (d)(3) at ex-
2 isting Project GRAD program sites and to promote the
3 expansion of such programs to new sites.

4 “(c) REQUIREMENTS OF GRANT AGREEMENT.—The
5 Secretary shall enter into an agreement with the grantee
6 that requires that the grantee shall—

7 “(1) enter into subcontracts with nonprofit edu-
8 cational organizations that serve a substantial num-
9 ber or percentage of low-income students (referred
10 to in this part as ‘subcontractors’), under which the
11 subcontractors agree to implement the programs de-
12 scribed in subsection (d) and provide matching funds
13 for such programs;

14 “(2) directly carry out—

15 “(A) activities to implement and sustain
16 the literacy, mathematics, classroom manage-
17 ment, social service, and college access pro-
18 grams further described in subsection (d)(3);

19 “(B) activities to build the organizational
20 and management capacity of the subcontractors
21 to effectively implement and sustain the pro-
22 grams;

23 “(C) activities for the purpose of improving
24 and expanding the programs, including but not
25 limited to activities to further articulate a pro-

1 gram for one or more grade levels and across
2 grade levels, to tailor a program for a particular
3 target audience, and provide tighter integration
4 across programs;

5 “(D) activities for the purpose of imple-
6 menting new Project GRAD program sites;

7 “(E) activities for the purpose of pro-
8 moting greater public awareness of integrated
9 education reform services to improve secondary
10 school graduation and college attendance rates
11 for disadvantaged students; and

12 “(F) other activities directly related to im-
13 proving secondary school graduation and college
14 attendance and completion rates for disadvan-
15 taged students; and

16 “(3) use grant funds available under this part
17 to pay—

18 “(A) the amount determined under sub-
19 section (f)(1); and

20 “(B) costs associated with carrying out the
21 activities and providing the services, as provided
22 in paragraph (2) of this subsection.

23 “(d) SUPPORTED PROGRAMS.—

1 “(1) DESIGNATION.—The subcontractor pro-
2 grams referred to in subsection (c)(1) shall be
3 known as Project GRAD programs.

4 “(2) FEEDER PATTERNS.—Each subcontractor
5 shall implement a Project GRAD program and shall,
6 with the agreement of the grantee—

7 “(A) identify or establish not less than one
8 ‘feeder pattern’ of public schools, where ‘feeder
9 pattern’ is defined as a high school and the ele-
10 mentary schools and middle schools that chan-
11 nel students into that high school; and

12 “(B) provide the integrated educational re-
13 form services described in paragraph (3) at the
14 identified feeder pattern or feeder patterns.

15 “(3) INTEGRATED EDUCATION REFORM SERV-
16 ICES.—The services provided through a Project
17 GRAD program may include—

18 “(A) research-based programs in reading,
19 mathematics, and classroom management;

20 “(B) campus-based social services pro-
21 grams, including a systematic approach to in-
22 crease family and community involvement in the
23 schools served by the Project GRAD program;

24 “(C) a college access program that in-
25 cludes—

1 “(i) providing college scholarships for
2 students who meet established criteria;

3 “(ii) proven approaches for increasing
4 student and family college awareness; and

5 “(iii) assistance for such students in
6 applying for higher education financial aid;
7 and

8 “(D) such other services identified by the
9 grantee as necessary to increase secondary
10 school graduation and college attendance and
11 completion rates.

12 “(e) USE OF FUNDS.—Of the funds made available
13 to carry out this part under section 800, not more than
14 8 percent of such funds, or \$4,000,000, whichever is less,
15 shall be used by the grantee to pay for administration of
16 the grant, with the remainder of funds to be used for the
17 purposes described in subsections (c)(1) and (2).

18 “(f) GRANTEE CONTRIBUTION AND MATCHING RE-
19 QUIREMENT.—

20 “(1) IN GENERAL.—The grantee shall provide
21 to each subcontractor an average of \$200 for each
22 pupil served by the subcontractor in the Project
23 GRAD program, adjusted to take into consider-
24 ation—

1 “(A) the resources available in the area
2 where the subcontractor will implement the
3 Project GRAD program; and

4 “(B) the need for Project GRAD programs
5 in such area to improve student outcomes.

6 “(2) MATCHING REQUIREMENT.—Each subcon-
7 tractor shall provide funds for the Project GRAD
8 program in an amount that is equal to the amount
9 received by the subcontractor from the grantee.
10 Such matching funds may be provided in cash or in
11 kind, fairly evaluated.

12 “(3) WAIVER AUTHORITY.—The grantee may
13 waive, in whole or in part, the requirement of para-
14 graph (2) for a subcontractor, if the subcontractor—

15 “(A) demonstrates that it would not other-
16 wise be able to participate in the program; and

17 “(B) enters into an agreement with the
18 grantee with respect to the amount to which the
19 waiver will apply.

20 “(4) DECREASE IN GRANTEE SHARE.—Based
21 on the funds or resources available to a subcon-
22 tractor, the grantee may elect to provide the subcon-
23 tractor with an amount that is less than the amount
24 determined under paragraph (1).

25 “(g) EVALUATION.—

1 “(1) EVALUATION BY THE SECRETARY.—The
2 Secretary shall select an independent entity to evalu-
3 ate, every 3 years, the performance of students who
4 participate in a Project GRAD program under this
5 part. The evaluation shall—

6 “(A) be conducted using a rigorous re-
7 search design for determining the effectiveness
8 of the Project GRAD programs funded under
9 this part; and

10 “(B) compare reading and mathematics
11 achievement and, where applicable, the sec-
12 ondary school graduation, college attendance,
13 and college completion rates of students who
14 participate in a Project GRAD program funded
15 under this part with those indicators for stu-
16 dents of similar backgrounds who do not par-
17 ticipate in such program.

18 “(2) EVALUATION BY GRANTEE AND SUB-
19 CONTRACTORS.—

20 “(A) IN GENERAL.—The grantee shall re-
21 quire each subcontractor to prepare an in-depth
22 report of the results and the use of funds of
23 each Project GRAD program funded under this
24 part that includes—

1 “(i) data on the reading and mathe-
2 matics achievement of students involved in
3 the Project GRAD program;

4 “(ii) statistics on secondary school
5 graduation, college attendance, and college
6 completion rates; and

7 “(iii) such financial reporting as re-
8 quired by the Secretary to review the effec-
9 tiveness and efficiency of the program.

10 “(B) FORM OF REPORT.—The report shall
11 be in a form and include such content as shall
12 be determined by the grantee, in consultation
13 with the Secretary or the entity selected by the
14 Secretary to evaluate the Project GRAD pro-
15 grams in accordance with paragraph (1).

16 “(3) AVAILABILITY OF EVALUATIONS.—Copies
17 of any evaluation or report prepared under this sub-
18 section shall be made available to—

19 “(A) the Secretary; and

20 “(B) the chairperson and ranking member
21 of the authorizing committees.

22 “(h) DEFINITIONS.—In this part the term ‘low-in-
23 come student’ means a student who is determined by a
24 local educational agency to be from a low-income family
25 using the measures described in section 1113(a)(5) of the

1 Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 6313(a)(5)).

3 **“PART G—IMPROVING COLLEGE ENROLLMENT**
4 **BY SECONDARY SCHOOLS**

5 **“SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SEC-**
6 **ONDARY SCHOOLS.**

7 “(a) IN GENERAL.—From the amount appropriated
8 to carry out this part under section 800, the Secretary
9 shall award a grant to one nonprofit organization de-
10 scribed in subsection (b) to enable the nonprofit organiza-
11 tion—

12 “(1) to make publicly available the year-to-year
13 higher education enrollment rate trends of secondary
14 school students, disaggregated by secondary school,
15 in compliance with the Family Education Rights and
16 Privacy Act of 1974;

17 “(2) to identify not less than 50 urban local
18 educational agencies and 5 States with significant
19 rural populations, each serving a significant popu-
20 lation of low-income students, and to carry out a
21 comprehensive needs assessment in the agencies and
22 States of the factors known to contribute to im-
23 proved higher education enrollment rates, which fac-
24 tors shall include—

1 “(A) an evaluation of the local educational
2 agency’s and State’s leadership strategies;

3 “(B) the secondary school curriculum and
4 class offerings of the local educational agency
5 and State;

6 “(C) the professional development used by
7 the local educational agency and the State to
8 assist teachers, higher education counselors,
9 and administrators in supporting the transition
10 of secondary students into higher education;

11 “(D) secondary school student attendance
12 and other factors demonstrated to be associated
13 with enrollment into higher education;

14 “(E) the data systems used by the local
15 educational agency and the State to measure
16 college enrollment rates and the incentives in
17 place to motivate the efforts of faculty and stu-
18 dents to improve student and school-wide out-
19 comes; and

20 “(F) strategies to mobilize student leaders
21 to build a college-bound culture; and

22 “(3) to provide comprehensive services to im-
23 prove the school-wide higher education enrollment
24 rates of each of not less than 10 local educational
25 agencies and States, with the federally funded por-

1 tion of each project declining by not less than 20
2 percent each year beginning in the second year of
3 the comprehensive services, that—

4 “(A) participated in the needs assessment
5 described in paragraph (2); and

6 “(B) demonstrated a willingness and com-
7 mitment to improving the higher education en-
8 rollment rates of the local educational agency or
9 State, respectively.

10 “(b) GRANT RECIPIENT CRITERIA.—The recipient of
11 the grant awarded under subsection (a) shall be a non-
12 profit organization with demonstrated expertise—

13 “(1) in increasing school-wide higher education
14 enrollment rates in low-income communities nation-
15 wide by providing curriculum, training, and technical
16 assistance to secondary school staff and student peer
17 influencers; and

18 “(2) in a college transition data management
19 system.

20 **“PART H—DIPLOMA MILL PREVENTION**

21 **“SEC. 851. PURPOSE; DEFINITIONS.**

22 “(a) PURPOSE.—The purpose of this part is to pro-
23 tect institutions of higher education, businesses and other
24 employers, professional licensing boards, patients and cli-
25 ents of degree holders, taxpayers, and other individuals

1 from any person claiming to possess a legitimate academic
2 degree that in fact was issued by a fraudulent or non-
3 existent school, by a non-educational entity posing as a
4 school, or by any entity in violation of Federal or State
5 law.

6 “(b) DEFINITIONS.—In this part:

7 “(1) DEGREE-GRANTING INSTITUTION.—The
8 term ‘degree-granting institution’ means any entity
9 that offers or confers an academic, professional, or
10 occupational degree, diploma, or certificate, if such
11 degree, diploma, or certificate may be used to rep-
12 resent to the general public that the individual pos-
13 sessing such degree, diploma, or certificate has com-
14 pleted a program of education or training beyond
15 secondary education.

16 “(2) DIPLOMA MILL.—The term ‘diploma mill’
17 means any entity that—

18 “(A) lacks valid accreditation by an agency
19 recognized by a Federal agency or a State gov-
20 ernment or other organization or association
21 that recognizes accrediting agencies as a valid
22 accrediting agency of institutions of higher edu-
23 cation; and

24 “(B) offers degrees, diplomas, or certifi-
25 cations, for a fee, that may be used to represent

1 to the general public that the individual pos-
2 sessing such a degree, diploma, or certification
3 has completed a program of education or train-
4 ing beyond secondary education, but little or no
5 education or course work is required to obtain
6 such a degree, diploma, or certification.

7 “(3) INSTITUTION OF HIGHER EDUCATION.—

8 The term ‘institution of higher education’ has the
9 meaning given such term in section 102.

10 **“SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND IN-**
11 **STITUTIONS.**

12 “(a) LISTS MAINTAINED BY THE DEPARTMENT OF
13 EDUCATION.—Not later than 30 days after the date of
14 the enactment of this part, the Secretary of Education
15 shall make available (in a regularly updated, electronic
16 format) to the Secretary of Homeland Security and the
17 heads of other appropriate Federal agencies, a list of—

18 “(1) accrediting agencies and associations, rec-
19 ognized by the Secretary of Education under section
20 496, or, at the discretion of the Secretary, other or-
21 ganizations involved in accreditation;

22 “(2) eligible institutions, as defined under sec-
23 tion 435(a); and

24 “(3) to the extent practicable, foreign degree-
25 granting institutions that—

1 “(A) have degree-granting authority, as
2 granted by the appropriate agency or ministry
3 of jurisdiction in the home country of such in-
4 stitution;

5 “(B) issue degrees that are accepted for
6 professional licensure, public employment, and
7 admission into graduate programs of degree-
8 granting institutions in the home country (as
9 determined by the Secretary of State);

10 “(C) are determined by the Secretary of
11 Education to be academically equivalent to an
12 eligible institution, as defined in section 435(a);
13 and

14 “(D) are located in a home country that is
15 capable of performing an effective academic
16 evaluation of the degree-granting institutions to
17 which it issues degree-granting authority, as de-
18 termined by the Secretary of State, in consulta-
19 tion with the Secretary of Education,

20 for the purposes of assisting the Secretary of Homeland
21 Security and the heads of such Federal agencies to deter-
22 mine, for immigration and Federal employment and hiring
23 purposes, the legitimacy of degree-granting institutions
24 and degrees issued by such institutions.

1 “(b) REVISIONS TO LISTS.—The Secretary of Edu-
2 cation shall modify and maintain the lists described in
3 subsection (a) as necessary to ensure that the lists and
4 the information contained in the lists are accurate and up-
5 to-date, based on the most recent information available to
6 the Secretary.

7 “(c) NOTICE OF RECOGNITION.—To be eligible to re-
8 ceive funds under title IV, each eligible institution de-
9 scribed in subsection (a)(2) shall, not later than 60 days
10 after the date of the enactment of this part, prominently
11 display on the institution’s Internet website a notice indi-
12 cating that the institution is recognized by the Secretary
13 of Education as a legitimate institution for immigration
14 and Federal employment and hiring purposes. If the Sec-
15 retary of Education determines that an institution no
16 longer qualifies as a legitimate degree-granting institu-
17 tions described in subsection (a)(2), and removes the insti-
18 tution from the list maintained under such subsection, the
19 institution shall, not later than 15 days after the removal
20 of the institution from such list, delete the notice required
21 by this subsection from the institution’s Internet website.

22 **“SEC. 853. ACCREDITING AGENCIES.**

23 “No accrediting agency or association may be consid-
24 ered to be a reliable authority as to the quality of edu-
25 cation or training offered by a degree-granting institution

1 for any purpose related to immigration, Federal employ-
2 ment and hiring practices, or for any other Federal pur-
3 poses, unless the agency or association is on the list of
4 accrediting agencies and associations recognized by the
5 Secretary of Education and provided to the Secretary of
6 Homeland Security under section 852. The Secretary may
7 consult with other organizations, such as the Council for
8 Higher Education Accreditation, for such purposes.

9 **“SEC. 854. TASK FORCE.**

10 “(a) TASK FORCE ESTABLISHED.—The Secretary of
11 Education shall establish within the Department of Edu-
12 cation the Diploma Mill Task Force (referred to in this
13 part as the ‘Task Force’).

14 “(b) MEMBERSHIP.—

15 “(1) NUMBER AND APPOINTMENT.—The Task
16 Force shall, if practicable, be composed of 19 mem-
17 bers, as follows:

18 “(A) The Assistant Secretary of Education
19 for Postsecondary Education.

20 “(B) A representative of the Department
21 of Education with experience related to the de-
22 termination of the legitimacy and quality of de-
23 grees from foreign institutions of higher edu-
24 cation, selected by the Secretary of Education.

1 “(C) A representative of the Department
2 of Justice, selected by the Attorney General.

3 “(D) A representative of the Federal
4 Trade Commission, selected by the Chairman of
5 such agency.

6 “(E) A representative of the Secret Serv-
7 ice, selected by the Director of the Secret Serv-
8 ice.

9 “(F) A representative of the Department
10 of State, selected by the Secretary of State.

11 “(G) A representative of the Department
12 of Homeland Security, selected by the Secretary
13 of Homeland Security.

14 “(H) A representative of the Office of Per-
15 sonnel Management, selected by the Director of
16 such Office.

17 “(I) A representative of a national accredi-
18 tation association.

19 “(J) A representative of a national organi-
20 zation representing collegiate registrars and ad-
21 missions officers.

22 “(K) Two representatives of State degree
23 approval agencies, selected by agreement of at
24 least 3 of the Speaker of the House of Rep-
25 resentatives, the Senate majority leader, the

1 House minority leader, and the Senate minority
2 leader.

3 “(L) Two representatives from regionally
4 accredited institutions of higher education, se-
5 lected by agreement of at least 3 of the Speaker
6 of the House of Representatives, the Senate
7 majority leader, the House minority leader, and
8 the Senate minority leader.

9 “(M) One representative from a nationally
10 accredited institution of higher education, se-
11 lected by agreement of at least 3 of the Speaker
12 of the House of Representatives, the Senate
13 majority leader, the House minority leader, and
14 the Senate minority leader.

15 “(N) Four individuals from the general
16 population with experience in higher education,
17 the detection of fraudulent degrees and degree-
18 granting institutions, or law enforcement re-
19 lated to credential fraud, selected as follows:

20 “(i) One individual selected by the
21 Speaker of the House of Representatives.

22 “(ii) One individual selected by the
23 minority leader of the House of Represent-
24 atives.

1 “(iii) One individual selected by the
2 majority leader of the Senate.

3 “(iv) One individual selected by the
4 minority leader of the Senate.

5 “(2) CRITERIA FOR MEMBERSHIP.—All mem-
6 bers of the Task Force shall be persons who are es-
7 pecially qualified to serve on the Task Force by vir-
8 tue of their education, training, or experience, par-
9 ticularly in the fields of higher education, accredita-
10 tion of institutions of higher education, foreign high-
11 er education standards, State regulation of institu-
12 tions of higher education, immigration, Federal em-
13 ployment requirements and hiring practices, or fraud
14 prevention, detection, or enforcement.

15 “(3) TERMS.—Each member shall be appointed
16 for the life of the Task Force.

17 “(4) VACANCIES.—A vacancy in the Task Force
18 shall be filled in the manner in which the original
19 appointment was made.

20 “(5) CHAIR.—At the first meeting of the Task
21 Force, the members of the Task Force shall elect a
22 member of the Task Force to serve as Chair.

23 “(c) DUTIES.—

24 “(1) GUIDELINES.—The Task Force shall de-
25 velop guidelines, to be used for the development of

1 Federal legislation, to identify degree-granting insti-
2 tutions as legitimate or fraudulent degree-granting
3 institutions for Federal purposes. In developing such
4 guidelines, the Task Force shall consider—

5 “(A) characteristics of degree-granting in-
6 stitutions that help determine the legitimacy of
7 the institution, such as whether an entity—

8 “(i) offers or confers degrees, diplo-
9 mas, or certificates—

10 “(I) for little or no meaningful
11 academic work;

12 “(II) without requiring an appro-
13 priate level of academic achievement
14 for the attainment of such degrees, di-
15 plomas, or certificates; or

16 “(III) without imposing academic
17 or other requirements for admittance
18 into the institutions or programs of-
19 fering such degrees, diplomas, or cer-
20 tificates;

21 “(ii) has fiscal and administrative
22 structures and capacity appropriate to the
23 specified scale of educational operations;

24 “(iii) has resources to support claims
25 as a degree-granting institution, including

1 curricula, qualified faculty, facilities, equip-
2 ment, and supplies, student support serv-
3 ices, objectives of the degrees or creden-
4 tials offered, admissions practices, aca-
5 demic calendars and catalogs, and a grad-
6 ing system; and

7 “(iv) has degree-granting authority
8 issued by the States in which degrees, or
9 instruction leading to degrees, are offered,
10 and is recognized by such States as an ap-
11 proved institution of higher education;

12 “(B) the feasibility of defining the term
13 ‘fraudulent degree-granting institution’ (com-
14 monly referred to as ‘diploma mills’), and if fea-
15 sible, shall define such term to propose for use
16 in Federal laws and regulations;

17 “(C) issues related to—

18 “(i) the detection of new and existing
19 fraudulent degree-granting institutions;

20 “(ii) recognition and prevention of the
21 practices used by such fraudulent degree-
22 granting institutions to avoid detection;

23 “(iii) the enforcement of laws and reg-
24 ulations prohibiting such fraudulent de-

1 gree-granting institutions and practices
2 and the use of fraudulent degrees; and

3 “(iv) the prosecution of such fraudu-
4 lent degree-granting institutions and prac-
5 tices and the use of fraudulent degrees;

6 “(D) difficulties in identifying fraudulent
7 degree-granting institutions located in foreign
8 countries, or that claim recognition or degree-
9 granting authority from foreign countries;

10 “(E) means to alert and educate the public
11 about fraudulent degree-granting institutions
12 and the use of fraudulent degrees;

13 “(F) laws, regulations, and other means
14 used by States to address fraudulent degree-
15 granting institutions and the use of fraudulent
16 degrees;

17 “(G) the potential need for coordination
18 and cooperation among various Federal agen-
19 cies to investigate and prosecute suspected
20 fraudulent degree-granting institutions, and the
21 detailed recommendations of the Task Force re-
22 garding such coordination and cooperation;

23 “(H) the study and the report to the Task
24 Force required under this section; and

1 “(I) the purposes for which various agen-
2 cies of the United States need to identify fraud-
3 ulent degree-granting institutions, and identify,
4 prohibit, and prevent the use of degrees issued
5 by such fraudulent institutions, and the ability
6 of such agencies to implement any guidelines
7 considered by the Task Force.

8 “(2) DEVELOPMENT OF FEDERAL PLAN.—The
9 Task Force shall develop a strategic diploma integ-
10 rity protection plan (referred to in this section as
11 the ‘Plan’) to address the sale and use of fraudulent
12 degrees for Federal purposes. The Plan shall include
13 the following:

14 “(A) Recommendations to Congress re-
15 garding the implementation by Federal agencies
16 of the guidelines developed under paragraph
17 (1).

18 “(B) Recommendations to the Federal
19 Trade Commission regarding the application of
20 the guidelines developed under paragraph (1) to
21 any rulemaking under section 856 and to the
22 enforcement of the rules promulgated under
23 such section.

24 “(3) SUBMISSION OF REPORT TO CONGRESS.—
25 Not later than one year after the date of the enact-

1 ment of this part, the Task Force shall submit to
2 the appropriate congressional committees a report,
3 including—

4 “(A) the guidelines developed under para-
5 graph (1);

6 “(B) the Plan developed under paragraph
7 (2); and

8 “(C) a legislative proposal for consider-
9 ation by Congress.

10 **“SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY**
11 **STATES OF THE FEDERAL PLAN AS GUIDE-**
12 **LINES.**

13 “It is the sense of the Congress that—

14 “(1) each State should implement a strategic
15 diploma integrity plan similar to any strategic di-
16 ploma integrity plan developed under section 854, to
17 the extent practicable and as soon as practicable
18 after the date of the adoption of such a plan under
19 such section; and

20 “(2) States may adopt more stringent stand-
21 ards than those standards contained in the Federal
22 strategic diploma integrity plan and used by agen-
23 cies of the United States to identify fraudulent de-
24 gree-granting institutions operating within such
25 State, except that State law does not preempt Fed-

1 eral law as applied to the employment and hiring
2 practices of Federal employees working in such
3 State.

4 **“SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES**
5 **REGARDING DIPLOMAS AND PROFESSIONAL**
6 **CERTIFICATIONS.**

7 “Not later than 180 days after the date of enactment
8 of this part, the Secretary shall request in writing that
9 the Federal Trade Commission shall develop a plan to ad-
10 dress diploma mills based on section 18 of Federal Trade
11 Commission Act (15 U.S.C. 57a).

12 **“PART I—STUDENT SAFETY AND CAMPUS**
13 **EMERGENCY MANAGEMENT**

14 **“SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY**
15 **MANAGEMENT.**

16 “(a) GRANTS AUTHORIZED.—

17 “(1) IN GENERAL.—From the amount appro-
18 priated to carry out this part under section 800, the
19 Secretary is authorized to award grants, on a com-
20 petitive basis, to institutions of higher education or
21 consortia of institutions of higher education to en-
22 able institutions of higher education or consortia to
23 pay the Federal share of the cost of carrying out the
24 authorized activities described in subsection (c).

1 “(2) CONSULTATION WITH THE ATTORNEY
2 GENERAL AND THE SECRETARY OF HOMELAND SE-
3 curity.—Where appropriate, the Secretary shall
4 award grants under this section in consultation with
5 the Attorney General of the United States and the
6 Secretary of Homeland Security.

7 “(3) DURATION.—The Secretary shall award
8 each grant under this section for a period of 2 years.

9 “(4) LIMITATION ON INSTITUTIONS AND CON-
10 SORTIA.—An institution of higher education or con-
11 sortium shall be eligible for only 1 grant under this
12 section.

13 “(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

14 “(1) IN GENERAL.—The Federal share of the
15 activities described in subsection (c) shall be 50 per-
16 cent.

17 “(2) NON-FEDERAL SHARE.—The institution of
18 higher education or consortium shall provide the
19 non-Federal share, which may be provided from
20 other Federal, State, and local resources dedicated
21 to emergency preparedness and response.

22 “(c) AUTHORIZED ACTIVITIES.—Each institution of
23 higher education or consortium receiving a grant under
24 this section may use the grant funds to carry out 1 or
25 more of the following:

1 “(1) Developing and implementing a state-of-
2 the-art emergency communications system for each
3 campus of an institution of higher education or con-
4 sortium, in order to contact students via cellular,
5 text message, or other state-of-the-art communica-
6 tions methods when a significant emergency or dan-
7 gerous situation occurs. An institution or consortium
8 using grant funds to carry out this paragraph shall
9 also, in coordination with the appropriate State and
10 local emergency management authorities—

11 “(A) develop procedures that students, em-
12 ployees, and others on a campus of an institu-
13 tion of higher education or consortium will be
14 directed to follow in the event of a significant
15 emergency or dangerous situation; and

16 “(B) develop procedures the institution of
17 higher education or consortium shall follow to
18 inform, within a reasonable and timely manner,
19 students, employees, and others on a campus in
20 the event of a significant emergency or dan-
21 gerous situation, which procedures shall include
22 the emergency communications system de-
23 scribed in this paragraph.

1 “(2) Supporting measures to improve safety at
2 the institution of higher education or consortium,
3 such as—

4 “(A) security assessments;

5 “(B) security training of personnel and
6 students at the institution of higher education
7 or consortium;

8 “(C) where appropriate, coordination of
9 campus preparedness and response efforts with
10 local law enforcement, local emergency manage-
11 ment authorities, and other agencies, to im-
12 prove coordinated responses in emergencies
13 among such entities;

14 “(D) establishing a hotline that allows a
15 student or staff member at an institution or
16 consortium to report another student or staff
17 member at the institution or consortium who
18 the reporting student or staff member believes
19 may be a danger to the reported student or
20 staff member or to others; and

21 “(E) acquisition and installation of access
22 control, video surveillance, intrusion detection,
23 and perimeter security technologies and sys-
24 tems.

1 “(3) Coordinating with appropriate local enti-
2 ties the provision of mental health services for stu-
3 dents and staff of the institution of higher education
4 or consortium, including mental health crisis re-
5 sponse and intervention services for students and
6 staff affected by a campus or community emergency.

7 “(d) APPLICATION.—Each institution of higher edu-
8 cation or consortium desiring a grant under this section
9 shall submit an application to the Secretary at such time,
10 in such manner, and containing such information as the
11 Secretary may require.

12 “(e) TECHNICAL ASSISTANCE.—The Secretary shall
13 coordinate technical assistance provided by State and local
14 emergency management agencies, the Department of
15 Homeland Security, and other agencies as appropriate, to
16 institutions of higher education or consortia that request
17 assistance in developing and implementing the activities
18 assisted under this section.

19 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed—

21 “(1) to provide a private right of action to any
22 person to enforce any provision of this section;

23 “(2) to create a cause of action against any in-
24 stitution of higher education or any employee of the
25 institution for any civil liability; or

1 “(3) to affect the Family Educational Rights
2 and Privacy Act of 1974 or the regulations issued
3 under section 264 of the Health Insurance Port-
4 ability and Accountability Act of 1996 (42 U.S.C.
5 1320d–2 note).

6 **“SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PRO-**
7 **CEDURES, AND PRACTICES.**

8 “The Secretary of Education, in consultation with the
9 Attorney General of the United States and the Secretary
10 of Homeland Security, shall—

11 “(1) advise institutions of higher education on
12 model emergency response policies, procedures, and
13 practices; and

14 “(2) disseminate information concerning those
15 policies, procedures, and practices.

16 **“SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY**
17 **THE SECRETARY.**

18 “(a) PLANNING.—The Secretary shall develop and
19 maintain a disaster relief plan, in consultation with the
20 appropriate agencies, to ensure a procedure is in place to
21 address the needs of institutions of higher education in
22 the event of a natural or man-made disaster with respect
23 to which the President has declared a major disaster or
24 emergency. The plan shall take into consideration the im-
25 mediate safety and well-being of students, faculty, and

1 staff. Additionally, such plan shall outline steps that can
2 be taken to ensure institutions of higher education have
3 a timely recovery.

4 “(b) SUBMISSION TO CONGRESS.—The Secretary
5 shall submit to the authorizing committees the plan re-
6 quired by subsection (a) and any revisions of such plan.

7 **“SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF**
8 **LOAN PROGRAM.**

9 “(a) PROGRAM AUTHORIZED.—The Secretary is au-
10 thorized to establish an Education Disaster and Emer-
11 gency Relief Loan Program for institutions of higher edu-
12 cation for direct or indirect losses incurred as a result of
13 a federally declared major disaster or emergency.

14 “(b) USE OF ASSISTANCE.—The Secretary may, sub-
15 ject to the availability of appropriations, provide any as-
16 sistance under the Education Disaster and Emergency Re-
17 lief Loan program to institutions of higher education pur-
18 suant to this section only after the declaration of a major
19 disaster or emergency by the President. Loan funds pro-
20 vided under this section may be used for—

21 “(1) direct and indirect construction, replace-
22 ment, and renovation costs associated with or result-
23 ing from or preparing for a major disaster or emer-
24 gency;

1 “(2) faculty salaries and incentives for retaining
2 faculty; or

3 “(3) reimbursement for lost tuition and other
4 revenues.

5 “(c) APPLICATION REQUIREMENTS.—To be consid-
6 ered for a loan under this section, an institution of higher
7 education shall—

8 “(1) submit a financial statement and other ap-
9 propriate data, documentation, or evidence requested
10 by the Secretary that indicates that the institution
11 incurred losses resulting from the impact of a major
12 disaster or emergency and the monetary amount of
13 such losses; and

14 “(2) demonstrate that the institution attempted
15 to minimize the cost of any losses by pursuing collat-
16 eral source compensation from the Federal Emer-
17 gency Management Agency and insurance coverage
18 prior to seeking a loan under this section, except
19 that an institution of higher education shall not be
20 required to receive collateral source compensation
21 from the Federal Emergency Management Agency
22 and insurance prior to being eligible for a loan under
23 this section.

24 “(d) AUDIT.—The Secretary may audit a financial
25 statement submitted under subsection (c) and an institu-

1 tion of higher education shall provide any information that
2 the Secretary determines necessary to conduct such an
3 audit.

4 “(e) REDUCTION IN LOAN AMOUNTS.—To determine
5 the amount of a loan to make available to an institution
6 of higher education under this section, the Secretary shall
7 calculate the monetary amount of losses incurred by such
8 institution as a result of a federally declared major dis-
9 aster or emergency, and shall reduce such amount by the
10 amount of collateral source compensation the institution
11 has already received from insurance, the Federal Emer-
12 gency Management Agency, and the Small Business Ad-
13 ministration.

14 “(f) ESTABLISHMENT OF LOAN PROGRAM.—In order
15 to disburse loans under this section, the Secretary shall
16 prescribe regulations that—

17 “(1) establish the loan program, taking into
18 consideration the structure of existing capital financ-
19 ing loan programs under this Act; and

20 “(2) that set forth—

21 “(A) terms for the loan program under
22 this section;

23 “(B) procedures for an application for a
24 loan under this section; and

1 “(C) minimum requirements for the loan
2 program and for receiving a loan under this
3 section, including the following:

4 “(i) Online forms to be used in sub-
5 mitting request for a loan under this sec-
6 tion.

7 “(ii) Information to be included in
8 such forms.

9 “(iii) Procedures to assist in filing
10 and pursuing a loan under this section.

11 “(g) DEFINITIONS.—In this section:

12 “(1) INSTITUTION AFFECTED BY A GULF HUR-
13 RICANE DISASTER.—The term ‘institution affected
14 by a Gulf hurricane disaster’ means an institution of
15 higher education that—

16 “(A) is located in an area affected by a
17 Gulf hurricane disaster; and

18 “(B) is able to demonstrate that the insti-
19 tution—

20 “(i) incurred physical damage result-
21 ing from the impact of a Gulf hurricane
22 disaster;

23 “(ii) was not able to fully reopen in
24 existing facilities or to fully reopen to the

1 pre-hurricane levels for 30 days or more on
2 or after August 29, 2005.

3 “(2) AREA AFFECTED BY A GULF HURRICANE
4 DISASTER; GULF HURRICANE DISASTER.—The terms
5 ‘area affected by a Gulf hurricane disaster’ and
6 ‘Gulf hurricane disaster’ have the meanings given
7 such terms in section 209 of the Higher Education
8 Hurricane Relief Act of 2005 (Public Law 109–148,
9 119 Stat. 2809).

10 “(3) EMERGENCY.—The term ‘emergency’ has
11 the meaning given such term in section 102(1) of
12 the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act.

14 “(4) INSTITUTIONS OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ has the
16 meaning given such term in section 101.

17 “(5) MAJOR DISASTER.—The term ‘major dis-
18 aster’ has the meaning given the term in section
19 102(2) of the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act.

21 “(h) EFFECTIVE DATE.—This section shall take ef-
22 fect on the date of the enactment of the College Oppor-
23 tunity and Affordability Act of 2008, and assistance pro-
24 vided to institutions of higher education pursuant to this
25 section shall be available only with respect to federally de-

1 clared major disasters or emergencies that occur after the
 2 date of the enactment of the College Opportunity and Af-
 3 fordability Act of 2008, except in the case of an institution
 4 affected by a Gulf hurricane disaster.

5 **“SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES**
 6 **FOR STUDENT SAFETY.**

7 “Not later than 90 days after the date of enactment
 8 of the College Opportunity and Affordability Act of 2008,
 9 the Secretary shall provide guidance that clarifies the role
 10 of institutions of higher education with respect to the dis-
 11 closure of education records, including to a parent or legal
 12 guardian of a dependent student, in the event that such
 13 student demonstrates that the student poses a significant
 14 risk of harm to himself or herself or to others, including
 15 a significant risk of suicide, homicide, or assault. Such
 16 guidance shall further clarify that an institution of higher
 17 education that, in good faith, discloses education records
 18 or other information in accordance with the requirements
 19 of this Act and the Family Educational Rights and Pri-
 20 vacy Act of 1974 shall not be liable to any person for that
 21 disclosure.

22 **“PART J—RURAL DEVELOPMENT GRANTS FOR**
 23 **RURAL COLLEGES AND UNIVERSITIES**

24 **“SEC. 871. PURPOSE.**

25 “The purposes of this part are—

1 “(1) to increase—

2 “(A) enrollment and graduation rates from
3 2-year and 4-year colleges, and articulation
4 from 2-year degree programs into 4-year degree
5 programs, of graduates of rural high schools;
6 and

7 “(B) degree completion for nontraditional
8 students from rural areas; and

9 “(2) to promote economic growth and develop-
10 ment in rural America through partnership grants to
11 consortia of rural colleges and universities and other
12 entities, such as local education agencies, employers,
13 education service agencies, and nonprofit organiza-
14 tions.

15 **“SEC. 872. DEFINITIONS.**

16 “For the purposes of this part:

17 “(1) RURAL INSTITUTION OF HIGHER EDU-
18 CATION.—The term ‘rural institution of higher edu-
19 cation’ means an institution of higher education that
20 primarily serves rural areas.

21 “(2) RURAL AREA.—The term ‘rural area’
22 means an area in which there is located a rural local
23 educational agency.

24 “(3) RURAL LOCAL EDUCATIONAL AGENCY.—
25 The term ‘rural local educational agency’ means a

1 local educational agency (as such term is defined in
2 section 9101 of the Elementary and Secondary Edu-
3 cation Act of 1965) that is designated with a metro-
4 centric locale code of 41, 42, or 43 as determined by
5 the National Center for Education Statistics
6 (NCES), in conjunction with the Bureau of the Cen-
7 sus, using the NCES system for classifying local
8 educational agencies.

9 “(4) NONTRADITIONAL STUDENT.—The term
10 ‘nontraditional student’ means an individual who—

11 “(A) delays enrollment in an institution of
12 higher education by 3 or more years after com-
13 pleting high school;

14 “(B) attends an institution of higher edu-
15 cation part-time; or

16 “(C) attends an institution of higher edu-
17 cation and—

18 “(i) works full-time;

19 “(ii) is an independent student;

20 “(iii) has one or more dependents
21 other than a spouse;

22 “(iv) is a single parent; or

23 “(v) does not have a high school di-
24 ploma or the recognized equivalent of such
25 a diploma.

1 “(5) REGIONAL EMPLOYER.—The term ‘re-
2 gional employer’ means employers qualifying as busi-
3 nesses or other entities employing individuals within
4 a rural area.

5 **“SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH**
6 **SCHOOL GRADUATES.**

7 “(a) GRANTS AUTHORIZED.—From the amounts ap-
8 propriated to carry out this part under section 800, the
9 Secretary of Education is authorized to make grants in
10 accordance with this section to partnerships formed be-
11 tween one or more rural institution of higher education
12 and any of the following entities:

13 “(1) One or more rural local educational agen-
14 cies.

15 “(2) One or more rural education service agen-
16 cies.

17 “(3) One or more regional employers.

18 “(4) One or more nonprofit organizations with
19 expertise in rural education.

20 “(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To
21 be eligible for a grant under this section, a partnership
22 that meets the requirements of subsection (a) shall submit
23 to the Secretary an application in such form and con-
24 taining such information as the Secretary shall prescribe.

1 In determining which applications to approve for a grant
2 under this section, the Secretary shall consider—

3 “(1) the percentage of graduates, attendees, or
4 former attendees of high schools from rural local
5 educational agencies enrolled or otherwise affiliated
6 with the entity; and

7 “(2) in the case of employers, the percentage of
8 employees that are graduates of high schools in
9 rural local educational agencies.

10 “(c) USE OF GRANT AMOUNTS.—Funds made avail-
11 able by a grant under this section to a partnership that
12 meets the requirements of subsection (b) shall be used—

13 “(1) to improve enrollment rates for graduates
14 and former attendees of rural high schools at rural
15 institutions of higher education, including—

16 “(A) programs to provide information
17 about college costs and financial aid options, as-
18 sistance with college enrollment applications,
19 and assistance with financial aid applications;

20 “(B) programs or initiatives that provide
21 such graduates or former attendees of rural
22 high schools access and exposure to campuses,
23 classes, programs, and facilities of rural institu-
24 tions of higher education, including covering the

1 cost of transportation to and from institutions
2 of higher education;

3 “(C) the formation of groups or other ini-
4 tiatives that create support groups of such stu-
5 dents expressing interest in attending rural in-
6 stitutions of higher education;

7 “(D) extracurricular activities, such as in-
8 ternships, community service, and other activi-
9 ties for such individuals in advance of attending
10 institutions of higher education; and

11 “(E) other initiatives that assist such indi-
12 viduals in applying and developing interest in
13 attending rural institutions of higher education;
14 and

15 “(2) to encourage participation of nontradi-
16 tional students in degree programs at rural institu-
17 tions of higher education, including—

18 “(A) programs to provide information
19 about college costs and financial aid options, as-
20 sistance with college enrollment applications,
21 and assistance with financial aid applications
22 for institutions of higher education;

23 “(B) outreach to nontraditional students
24 through community initiatives; and

1 “(C) formation of support groups for non-
2 traditional students enrolling in 2-year degree
3 programs and articulating from 2-year degree
4 programs to 4-year degree programs.

5 **“SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.**

6 “(a) GRANTS AUTHORIZED.—From the amounts ap-
7 propriated to carry out this part under section 800, the
8 Secretary of Education is authorized to make grants in
9 accordance with this section to partnerships formed be-
10 tween one or more rural institutions of higher education
11 and one or more regional employers.

12 “(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To
13 be eligible for a grant under this section, a partnership
14 that meets the requirements of subsection (a) shall submit
15 to the Secretary an application in such form and con-
16 taining such information as the Secretary shall prescribe.
17 In determining which applications to approve for a grant
18 under this section, the Secretary shall consider—

19 “(1) the potential of the employer to employ
20 graduates of rural institutions of higher education
21 after graduation;

22 “(2) the potential of the employer engaged in
23 the partnership to spur economic development in the
24 region; and

1 “(3) the relevance of the employer to the re-
2 gional economy.

3 “(c) USE OF GRANT AMOUNTS.—Funds made avail-
4 able by a grant under this section to a partnership that
5 meets the requirements of subsection (a) shall be used—

6 “(1) to provide additional career training to
7 attendees of rural institutions of higher education in
8 fields relevant to the regional economy; and

9 “(2) to encourage regional businesses to employ
10 graduates of rural institutions of higher education.

11 “(d) PREFERENCE IN SELECTION.—In determining
12 which applications to approve for a grant under this sec-
13 tion, the Secretary shall give priority to applications from
14 partnerships that include one or more regional employers
15 that are located in a rural area.

16 **“SEC. 875. QUALITY OF LIFE IN RURAL AREAS.**

17 “(a) GRANTS AUTHORIZED.—From the amounts ap-
18 propriated to carry out this part under section 800, the
19 Secretary of Education is authorized to make grants in
20 accordance with this section to rural institutions of higher
21 education.

22 “(b) USE OF GRANT AMOUNTS.—Funds made avail-
23 able by a grant under this section to a partnership that
24 meets the requirements of subsection (a) shall be used to
25 create or strengthen academic programs to prepare grad-

1 uates to enter into high-need occupations in the regional
2 and local economies.

3 **“SEC. 876. ALLOCATION OF APPROPRIATIONS.**

4 “(a) GRANT CONSIDERATIONS.—In making grant al-
5 locations under this part to qualifying institutions and
6 partnerships, the Secretary shall consider—

7 “(1) the percentage of graduates of rural high
8 schools attending rural institutions of higher edu-
9 cation in proximity to the entity receiving the grant;

10 “(2) employment needs of regional employers in
11 proximity to entities receiving the grant; and

12 “(3) the health of the regional economy of the
13 region surrounding the entity receiving the grant.

14 “(b) MAXIMUM AND MINIMUM GRANTS.—No grant
15 awarded by the Secretary under this part shall be less
16 than \$200,000 or more than \$500,000.

17 “(c) GRANT DURATION.—A grant awarded under
18 this part shall be awarded for one 3-year period.

1 **“PART K—IMPROVING SCIENCE, TECHNOLOGY,**
2 **ENGINEERING, AND MATHEMATICS EDU-**
3 **CATION WITH A FOCUS ON ALASKA NATIVE**
4 **AND NATIVE HAWAIIAN STUDENTS**

5 **“SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**
6 **ING, AND MATHEMATICS EDUCATION WITH A**
7 **FOCUS ON ALASKA NATIVE AND NATIVE HA-**
8 **WAIAN STUDENTS.**

9 “(a) PURPOSE.—The purpose of this section is—

10 “(1) to develop or expand programs for the de-
11 velopment of professionals in the fields of science,
12 technology, engineering, and mathematics; and

13 “(2) to focus resources on meeting the edu-
14 cational and cultural needs of Alaska Natives and
15 Native Hawaiians.

16 “(b) DEFINITIONS.—In this section:

17 “(1) ALASKA NATIVE.—The term ‘Alaska Na-
18 tive’ has the meaning given the term ‘Native’ in sec-
19 tion 3(b) of the Alaska Natives Claims Settlement
20 Act (43 U.S.C. 1602(b)).

21 “(2) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
22 ble partnership’ means a partnership that includes—

23 “(A) 1 or more colleges or schools of engi-
24 neering;

25 “(B) 1 or more colleges of science or math-
26 ematics;

1 “(C) 1 or more institutions of higher edu-
2 cation that offer 2-year degrees; and

3 “(D) 1 or more private entities that—

4 “(i) conduct career awareness activi-
5 ties showcasing local technology profes-
6 sionals;

7 “(ii) encourage students to pursue
8 education in science, technology, engineer-
9 ing, and mathematics from elementary
10 school through college, and careers in
11 those fields, with the assistance of local
12 technology professionals;

13 “(iii) develop internships, apprentice-
14 ships, and mentoring programs in partner-
15 ship with relevant industries; and

16 “(iv) assist with placement of interns
17 and apprentices.

18 “(3) NATIVE HAWAIIAN.—The term ‘Native
19 Hawaiian’ has the meaning given the term in section
20 7207 of the Elementary and Secondary Education
21 Act of 1965.

22 “(c) GRANT AUTHORIZED.—From the amounts ap-
23 propriated to carry out this part under section 800, the
24 Secretary is authorized to award a grant to an eligible
25 partnership to enable the eligible partnership to expand

1 programs for the development of science, technology, engi-
2 neering, or mathematics professionals, from elementary
3 school through college, including existing programs for
4 Alaska Native and Native Hawaiian students.

5 “(d) USES OF FUNDS.—Grant funds under this sec-
6 tion shall be used for 1 or more of the following:

7 “(1) Development or implementation of cul-
8 tural, social, or educational transition programs to
9 assist students to transition into college life and aca-
10 demics in order to increase such students’ retention
11 rates in the fields of science, technology, engineer-
12 ing, or mathematics, with a focus on Alaska Native
13 or Native Hawaiian students.

14 “(2) Development or implementation of aca-
15 demic support or supplemental educational programs
16 to increase the graduation rates of students in the
17 fields of science, technology, engineering, or mathe-
18 matics, with a focus on Alaska Native and Native
19 Hawaiian students.

20 “(3) Development or implementation of intern-
21 ship programs, carried out in coordination with edu-
22 cational institutions and private entities, to prepare
23 students for careers in the fields of science, tech-
24 nology, engineering, or mathematics, with a focus on

1 programs that serve Alaska Native or Native Hawai-
2 ian students.

3 “(4) Such other activities as are consistent with
4 the purposes of this section.

5 “(e) APPLICATION.—Each eligible partnership that
6 desires a grant under this section shall submit an applica-
7 tion to the Secretary at such time, in such manner, and
8 containing such information as the Secretary may require.

9 “(f) PRIORITY.—In awarding grants under this sec-
10 tion, the Secretary shall give priority to an eligible part-
11 nership that provides 1 or more programs in which 30 per-
12 cent or more of the program participants are Alaska Na-
13 tive or Native Hawaiian.

14 “(g) PERIOD OF GRANT.—A grant under this section
15 shall be awarded for a period of 5 years.

16 “(h) EVALUATION AND REPORT.—Each eligible part-
17 nership that receives a grant under this section shall con-
18 duct an evaluation to determine the effectiveness of the
19 programs funded under the grant and shall provide a re-
20 port regarding the evaluation to the Secretary not later
21 than 6 months after the end of the grant period.

1 **“PART L—NATIONAL DATABASE ON FINANCIAL**
2 **ASSISTANCE FOR STUDY OF SCIENCE, TECH-**
3 **NOLOGY, ENGINEERING, AND MATHEMATICS**

4 **“SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSIST-**
5 **ANCE FOR STUDY OF SCIENCE, TECHNOLOGY,**
6 **ENGINEERING, AND MATHEMATICS.**

7 **“(a) ESTABLISHMENT AND MAINTENANCE OF DATA-**
8 **BASE.—**

9 **“(1) DATABASE.—**The Secretary of Education
10 shall establish and maintain, on the public website
11 of the Department of Education, a database con-
12 sisting of information on scholarships, fellowships,
13 and other programs of financial assistance available
14 from public and private sources for the study of
15 science, technology, engineering, or mathematics at
16 the postsecondary and post baccalaureate levels.

17 **“(2) PRESENTATION OF INFORMATION.—**The
18 information maintained on the database established
19 under this section shall be displayed on the website
20 in the following manner:

21 **“(A) Separate information shall be pro-**
22 **vided for each of the fields of study referred to**
23 **in paragraph (1) and for postsecondary and**
24 **post baccalaureate programs of financial assist-**
25 **ance.**

1 “(B) The database shall provide specific
2 information on any programs of financial assist-
3 ance which are targeted to individuals of a par-
4 ticular gender, ethnicity, or other demographic
5 group.

6 “(C) If the sponsor of any program of fi-
7 nancial assistance included on the database
8 maintains a public website, the database shall
9 provide hyperlinks to the website.

10 “(D) In addition to providing the hyperlink
11 to the website of a sponsor of a program of fi-
12 nancial assistance as required under subpara-
13 graph (C), the database shall provide general
14 information that an interested person may use
15 to contact the sponsor, including the sponsor’s
16 electronic mail address.

17 “(E) The database shall have a search ca-
18 pability which permits an individual to search
19 for information on the basis of each category of
20 the information provided and on the basis of
21 combinations of categories of the information
22 provided, including whether the scholarship is
23 need- or merit-based and by relevant academic
24 majors.

1 “(F) The database shall include a rec-
2 ommendation that students and families should
3 carefully review all of the application require-
4 ments prior to applying for aid, and a dis-
5 claimer that the scholarships presented in the
6 database are not provided or endorsed by the
7 Department of Education or the Federal Gov-
8 ernment.

9 “(b) DISSEMINATION OF INFORMATION ON DATA-
10 BASE.—The Secretary shall take such actions as may be
11 necessary on an ongoing basis, including sending notices
12 to secondary schools and institutions of higher education,
13 to disseminate information on the database established
14 and maintained under this part and to encourage its use
15 by interested parties.

16 “(c) USE OF VENDOR TO OBTAIN INFORMATION.—
17 In carrying out this part, the Secretary of Education shall
18 enter into a contract with a private entity under which
19 the entity shall furnish and regularly update all of the in-
20 formation required to be maintained on the database es-
21 tablished under this section.

22 “(d) ENCOURAGING THE PROVISION OF INFORMA-
23 TION.—In carrying out this part, the Secretary of Edu-
24 cation and the contracted entity shall consult with public
25 and private sources of scholarships and make easily avail-

1 able a process for such entities to provide regular and up-
2 dated information.

3 **“PART M—TRAINING FOR REALTIME WRITERS**

4 **“SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB**
5 **PLACEMENT OF REALTIME WRITERS.**

6 “(a) AUTHORIZATION OF GRANT PROGRAM.—

7 “(1) IN GENERAL.—From the amounts appro-
8 priated to carry out this part under section 800, the
9 Secretary of Education shall make competitive
10 grants to eligible entities under subsection (b) to
11 promote training and placement of individuals, in-
12 cluding individuals who have completed a court re-
13 porting training program, as realtime writers in
14 order to meet the requirements for closed captioning
15 of video programming set forth in section 713 of the
16 Communications Act of 1934 (47 U.S.C. 613) and
17 the rules prescribed thereunder.

18 “(2) ELIGIBLE ENTITIES.—For purposes of this
19 part, an eligible entity is a court reporting program
20 that—

21 “(A) can document and demonstrate to the
22 Secretary of Education that it meets minimum
23 standards of educational and financial account-
24 ability, with a curriculum capable of training

1 realtime writers qualified to provide captioning
2 services;

3 “(B) is accredited by an accrediting agency
4 recognized by the Department of Education;
5 and

6 “(C) is participating in student aid pro-
7 grams under title IV.

8 “(3) PRIORITY IN GRANTS.—In determining
9 whether to make grants under this section, the Sec-
10 retary of Education shall give a priority to eligible
11 entities that, as determined by the Secretary—

12 “(A) possess the most substantial capa-
13 bility to increase their capacity to train realtime
14 writers;

15 “(B) demonstrate the most promising col-
16 laboration with local educational institutions,
17 businesses, labor organizations, or other com-
18 munity groups having the potential to train or
19 provide job placement assistance to realtime
20 writers; or

21 “(C) propose the most promising and inno-
22 vative approaches for initiating or expanding
23 training or job placement assistance efforts
24 with respect to realtime writers.

1 “(4) DURATION OF GRANT.—A grant under
2 this section shall be for a period of 2 years.

3 “(5) MAXIMUM AMOUNT OF GRANT.—The
4 amount of a grant provided under subsection (a) to
5 an entity eligible may not exceed \$1,500,000 for the
6 2-year period of the grant under paragraph (4).

7 “(b) APPLICATION.—

8 “(1) IN GENERAL.—To receive a grant under
9 subsection (a), an eligible entity shall submit an ap-
10 plication to the Secretary of Education at such time
11 and in such manner as the secretary may require.
12 The application shall contain the information set
13 forth under paragraph (2).

14 “(2) INFORMATION.—Information in the appli-
15 cation of an eligible entity under subsection (a) for
16 a grant under subsection (a) shall include the fol-
17 lowing:

18 “(A) A description of the training and as-
19 sistance to be funded using the grant amount,
20 including how such training and assistance will
21 increase the number of realtime writers.

22 “(B) A description of performance meas-
23 ures to be utilized to evaluate the progress of
24 individuals receiving such training and assist-
25 ance in matters relating to enrollment, comple-

1 tion of training, and job placement and reten-
2 tion.

3 “(C) A description of the manner in which
4 the eligible entity will ensure that recipients of
5 scholarships, if any, funded by the grant will be
6 employed and retained as realtime writers.

7 “(D) A description of the manner in which
8 the eligible entity intends to continue providing
9 the training and assistance to be funded by the
10 grant after the end of the grant period, includ-
11 ing any partnerships or arrangements estab-
12 lished for that purpose.

13 “(E) A description of how the eligible enti-
14 ty will work with local workforce investment
15 boards to ensure that training and assistance to
16 be funded with the grant will further local
17 workforce goals, including the creation of edu-
18 cational opportunities for individuals who are
19 from economically disadvantaged backgrounds
20 or are displaced workers.

21 “(F) Additional information, if any, of the
22 eligibility of the eligible entity for priority in the
23 making of grants under subsection (a)(3).

24 “(G) Such other information as the Sec-
25 retary may require.

1 “(c) USE OF FUNDS.—

2 “(1) IN GENERAL.—An eligible entity receiving
3 a grant under subsection (a) shall use the grant
4 amount for purposes relating to the recruitment,
5 training and assistance, and job placement of indi-
6 viduals, including individuals who have completed a
7 court reporting training program, as realtime writ-
8 ers, including—

9 “(A) recruitment;

10 “(B) subject to paragraph (2), the provi-
11 sion of scholarships;

12 “(C) distance learning;

13 “(D) further developing and implementing
14 both English and Spanish curriculum to more
15 effectively train realtime writing skills, and edu-
16 cation in the knowledge necessary for the deliv-
17 ery of high-quality closed captioning services;

18 “(E) mentoring students to ensure success-
19 ful completion of the realtime training and pro-
20 vide assistance in job placement;

21 “(F) encouraging individuals with disabil-
22 ities to pursue a career in realtime writing; and

23 “(G) the employment and payment of per-
24 sonnel for all such purposes.

25 “(2) SCHOLARSHIPS.—

1 “(A) AMOUNT.—The amount of a scholar-
2 ship under paragraph (1)(B) shall be based on
3 the amount of need of the recipient of the
4 scholarship for financial assistance, as deter-
5 mined in accordance with part F of title IV.

6 “(B) AGREEMENT.—Each recipient of a
7 scholarship under paragraph (1)(B) shall enter
8 into an agreement with the school in which the
9 recipient is enrolled to provide realtime writing
10 services for the purposes described in subsection
11 (a)(1) for a period of time appropriate (as de-
12 termined by the Secretary of Education or the
13 Secretary’s designee) for the amount of the
14 scholarship received.

15 “(C) COURSEWORK AND EMPLOYMENT.—
16 The Secretary of Education or the Secretary’s
17 designee shall establish requirements for
18 coursework and employment for recipients of
19 scholarships under paragraph (1)(B), including
20 requirements for repayment of scholarship
21 amounts in the event of failure to meet such re-
22 quirements for coursework and employment.
23 Requirements for repayment of scholarship
24 amounts shall take into account the effect of

1 economic conditions on the capacity of scholar-
2 ship recipients to find work as realtime writers.

3 “(3) ADMINISTRATIVE COSTS.—The recipient of
4 a grant under this section may not use more than
5 5 percent of the grant amount to pay administrative
6 costs associated with activities funded by the grant.
7 The Secretary of Education shall use not more than
8 5 percent of the amount available for grants under
9 this part in any fiscal year for administrative costs
10 of the program.

11 “(4) SUPPLEMENT NOT SUPPLANT.—Grants
12 amounts under this part shall supplement and not
13 supplant other Federal or non-Federal funds of the
14 grant recipient for purposes of promoting the train-
15 ing and placement of individuals as realtime writers.

16 “(d) REPORTS.—

17 “(1) ANNUAL REPORTS.—Each eligible entity
18 receiving a grant under subsection (a) shall submit
19 to the Secretary of Education, at the end of each
20 year of the grant period, a report on the activities
21 of such entity with respect to the use of grant
22 amounts during such year.

23 “(2) REPORT INFORMATION.—

24 “(A) IN GENERAL.—Each report of an en-
25 tity for a year under paragraph (1) shall in-

1 clude a description of the use of grant amounts
2 by the entity during such year, including an as-
3 sessment by the entity of the effectiveness of
4 activities carried out using such funds in in-
5 creasing the number of realtime writers. The
6 assessment shall utilize the performance meas-
7 ures submitted by the entity in the application
8 for the grant under subsection (b)(2).

9 “(B) FINAL REPORT.—The final report of
10 an entity on a grant under paragraph (1) shall
11 include a description of the best practices iden-
12 tified by the entity as a result of the grant for
13 increasing the number of individuals who are
14 trained, employed, and retained in employment
15 as realtime writers.

16 “(3) ANNUAL REVIEW.—The Inspector General
17 of the Department of Education shall conduct an
18 annual review of the management, efficiency, and ef-
19 fectiveness of the grants made under this part.

20 **“PART N—CENTERS OF EXCELLENCE FOR**
21 **VETERAN STUDENT SUCCESS**

22 **“SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCEL-**
23 **LENCE FOR VETERAN STUDENT SUCCESS.**

24 “(a) PURPOSE.—It is the purpose of this section to
25 encourage model programs to support veteran student suc-

1 cess in postsecondary education by coordinating services
2 to address the academic, financial, physical, and social
3 needs of veteran students.

4 “(b) GRANTS AUTHORIZED.—

5 “(1) IN GENERAL.—Subject to the availability
6 of appropriations under section 800, the Secretary
7 shall award grants to institutions of higher edu-
8 cation to develop model programs to support veteran
9 student success in postsecondary education.

10 “(2) GRANT PERIOD.—A grant awarded under
11 this section shall be awarded for a period of 3 years.

12 “(c) USE OF GRANTS.—

13 “(1) REQUIRED ACTIVITIES.—An institution of
14 higher education receiving a grant under this section
15 shall use such grant to carry out a model program
16 that includes—

17 “(A) establishing of a Center of Excellence
18 for Veteran Student Success on the campus of
19 the institution to provide a single point of con-
20 tact to coordinate comprehensive support serv-
21 ices for veteran students;

22 “(B) establishing a veteran students sup-
23 port team, including representatives from the
24 offices of the institution responsible for admis-
25 sions, registration, financial aid, veterans bene-

1 fits, academic advising, student health, personal
2 or mental health counseling, career advising,
3 disabilities services, and any other office of the
4 institution that provides support to veteran stu-
5 dents on campus;

6 “(C) providing a full-time or part-time co-
7 ordinator whose primary responsibility is to co-
8 ordinate the model program carried out under
9 this section;

10 “(D) monitoring the rates of veteran stu-
11 dent enrollment, persistence, and completion;
12 and

13 “(E) developing a plan to sustain the Cen-
14 ter of Excellence for Veteran Student Success
15 after the grant period.

16 “(2) OTHER AUTHORIZED ACTIVITIES.—An in-
17 stitution of higher education receiving a grant under
18 this section may use such grant to carry out any of
19 the following activities with respect to veteran stu-
20 dents:

21 “(A) Outreach and recruitment of such
22 students.

23 “(B) Supportive instructional services for
24 such students, which may include—

1 “(i) personal, academic, and career
2 counseling, as an on-going part of the pro-
3 gram;

4 “(ii) tutoring and academic skill-build-
5 ing instruction assistance, as needed; and

6 “(iii) assistance with special admis-
7 sions and transfer of credit from previous
8 postsecondary education or experience.

9 “(C) Assistance in obtaining student finan-
10 cial aid.

11 “(D) Housing support for students living
12 in institutional facilities and commuting stu-
13 dents.

14 “(E) Cultural events, academic programs,
15 orientation programs, and other activities de-
16 signed to ease the transition to campus life for
17 such students.

18 “(F) Support for veteran student organiza-
19 tions and veteran student support groups on
20 campus.

21 “(G) Coordination of academic advising
22 and admissions counseling with military bases
23 and national guard units in the area.

24 “(H) Other support services the institution
25 determines to be necessary to ensure the suc-

1 cess of such students in achieving their edu-
2 cational and career goals.

3 “(d) APPLICATION; SELECTION.—

4 “(1) APPLICATION.—To be considered for a
5 grant under this section, an institution of higher
6 education shall submit to the Secretary an applica-
7 tion at such time, in such manner, and accompanied
8 by such information as the Secretary may require.

9 “(2) SELECTION CONSIDERATIONS.—In award-
10 ing grants under this section, the Secretary shall
11 consider—

12 “(A) the number of veteran students en-
13 rolled at an institution of higher education; and

14 “(B) the need for model programs to ad-
15 dress the needs of veteran students at a wide
16 range of institutions of higher education, in-
17 cluding the need to provide—

18 “(i) an equitable distribution of such
19 grants to institutions of higher education
20 of various types and sizes;

21 “(ii) an equitable geographic distribu-
22 tion of such grants; and

23 “(iii) an equitable distribution of such
24 grants among rural and urban areas.

1 “(e) EVALUATION AND ACCOUNTABILITY PLAN.—
2 The Secretary shall develop an evaluation and account-
3 ability plan for model programs funded under this section
4 to objectively measure the impact of such programs, in-
5 cluding a measure of whether postsecondary education en-
6 rollment, persistence, and completion for veterans in-
7 creases as a result of such programs.

8 **“PART O—UNIVERSITY SUSTAINABILITY**
9 **PROGRAMS**

10 **“Subpart 1—Sustainability Planning Grants**

11 **“SEC. 884. GRANTS AUTHORIZED.**

12 “(a) PROGRAM AUTHORIZED.—

13 “(1) IN GENERAL.—From the amounts appro-
14 priated to carry out this part under section 800, the
15 Secretary, in consultation with the Administrator of
16 the Environmental Protection Agency, shall make
17 grants to eligible entities to establish sustainability
18 programs to design and implement sustainability
19 practices, including in the areas of energy manage-
20 ment, greenhouse gas emissions reductions, green
21 building, waste management, purchasing, transpor-
22 tation, and toxics management, and other aspects of
23 sustainability that integrate campus operations with
24 multidisciplinary academic programs and are appli-
25 cable to the private and government sectors.

1 “(2) PERIOD OF GRANT.—The provision of pay-
2 ments under a grant under paragraph (1) may ex-
3 tend over a period of not more than 4 fiscal years.

4 “(3) DEFINITION OF ELIGIBLE ENTITIES.—For
5 purposes of this part, the term ‘eligible entity’
6 means—

7 “(A) an institution of higher education
8 that grants 2 or 4-year undergraduate degrees,
9 or masters and doctoral degrees, or both; or

10 “(B) a non-profit consortia, association, al-
11 liance, or collaboration operating in partnership
12 with one or more institutions of higher edu-
13 cation that received funds for the implementa-
14 tion of work associated with sustainability pro-
15 grams under this part.

16 “(b) APPLICATIONS.—

17 “(1) IN GENERAL.—To receive a grant under
18 subsection (a)(1), an eligible entity shall submit an
19 application to the Secretary at such time, in such
20 form, and containing such information as the Sec-
21 retary may reasonably require.

22 “(2) ASSURANCES.—Such application shall in-
23 clude assurances that the eligible entity—

24 “(A) has developed or shall develop a plan,
25 including an evaluation component, for the pro-

1 gram component established pursuant to sub-
2 section (c);

3 “(B) shall use Federal funds received from
4 a grant under subsection (a) to supplement, not
5 supplant, non-Federal funds that would other-
6 wise be available for projects funded under such
7 section;

8 “(C) shall provide, with respect to any fis-
9 cal year in which such entity receives funds
10 from a grant under subsection (a)(1), non-Fed-
11 eral funds or an in-kind contribution in an
12 amount equal to 20 percent of funds from such
13 grant, for the purpose of carrying out the pro-
14 gram component established in subsection (c);
15 and

16 “(D) shall collaborate with business, gov-
17 ernment, and the nonprofit sectors in the devel-
18 opment and implementation of its sustainability
19 plan.

20 “(c) USE OF FUNDS.—

21 “(1) INDIVIDUAL INSTITUTIONS.—Grants made
22 under subsection (a) may be used by an eligible enti-
23 ty that is an individual institution of higher edu-
24 cation for the following purposes:

1 “(A) To develop and implement adminis-
2 trative and operations practices at institutions
3 of higher education that test, model, and ana-
4 lyze principles of sustainability.

5 “(B) To establish multidisciplinary edu-
6 cation, research, and outreach programs at in-
7 stitutions of higher education that address the
8 environmental, social, and economic dimensions
9 of sustainability.

10 “(C) To support research and teaching ini-
11 tiatives that focus on multidisciplinary and inte-
12 grated environmental, economic, and social ele-
13 ments.

14 “(D) To establish initiatives in the areas of
15 energy management, greenhouse gas emissions
16 reductions, green building, waste management,
17 purchasing, toxics management, transportation,
18 and other aspects of sustainability.

19 “(E) To support student, faculty, and staff
20 work at institutions of higher education to im-
21 plement, research, and evaluate sustainable
22 practices.

23 “(F) To establish sustainability literacy as
24 a requirement for undergraduate and graduate
25 degree programs.

1 “(G) To integrate sustainability curriculum
2 in all programs of instruction, particularly in
3 business, architecture, technology, manufac-
4 turing, engineering, and science programs.

5 “(2) PARTNERSHIPS.—Grants made under sub-
6 section (a) may be used by an eligible entity that is
7 a non-profit consortia, association, alliance, or col-
8 laboration operating as a partnership with one or
9 more institutions of higher education for the fol-
10 lowing purposes:

11 “(A) To conduct faculty, staff and admin-
12 istrator training on the subjects of sustain-
13 ability and institutional change.

14 “(B) To compile, evaluate, and disseminate
15 best practices, case studies, guidelines and
16 standards.

17 “(C) To conduct efforts to engage external
18 stakeholders such as business, alumni, and ac-
19 crediting agencies in the process of building
20 support for research, education, and technology
21 development for sustainability.

22 “(D) To conduct professional development
23 programs for faculty in all disciplines to enable
24 faculty to incorporate sustainability content in
25 their courses.

1 “(E) To enable an appropriate non-profit
2 consortia, association, alliance, or collaboration
3 operating in partnership with an institution of
4 higher education to create the analytical tools
5 necessary for institutions of higher education to
6 assess and measure their individual progress to-
7 ward fully sustainable campus operations and
8 fully integrating sustainability into the cur-
9 riculum.

10 “(F) To develop educational benchmarks
11 for institutions of higher education to determine
12 the necessary rigor and effectiveness of aca-
13 demic sustainability programs.

14 “(d) REPORTS.—An eligible entity that receives a
15 grant under subsection (a) shall submit to the Secretary,
16 for each fiscal year in which the entity receives amounts
17 from such grant, a report that describes the work con-
18 ducted pursuant to subsection (c), research findings and
19 publications, administrative savings experienced, and an
20 evaluation of the program.

21 “(e) ALLOCATION REQUIREMENT.—The Secretary
22 may not make grants under subsection (a) to any eligible
23 entity in a total amount that is less than \$250,000 or
24 more than \$2,000,000.

1 **“Subpart 2—Summit on Sustainability**

2 **“SEC. 885. SUMMIT ON SUSTAINABILITY.**

3 “Not later than September 30, 2008, the Secretary
4 of Education, in consultation with the Administrator of
5 the Environmental Protection Agency, shall convene a
6 summit of higher education experts working in the area
7 of sustainable operations and programs, representatives
8 from agencies of the Federal Government, and business
9 and industry leaders to focus on efforts of national distinc-
10 tion that—

11 “(1) encourage faculty, staff, and students at
12 institutions of higher education to establish adminis-
13 trative and academic sustainability programs on
14 campus;

15 “(2) enhance research by faculty and students
16 at institutions of higher education in sustainability
17 practices and innovations that assist and improve
18 sustainability;

19 “(3) encourage institutions of higher education
20 to work with community partners from the business,
21 government, and nonprofit sectors to design and im-
22 plement sustainability programs for application in
23 the community and workplace;

24 “(4) identify opportunities for partnerships in-
25 volving institutions of higher education and the Fed-
26 eral Government to expand sustainable operations

1 and academic programs focused on environmental
2 and economic sustainability; and

3 “(5) charge the summit participants or steering
4 committee to submit a set of recommendations for
5 addressing sustainability through institutions of
6 higher education.

7 **“PART P—MODELING AND SIMULATION**
8 **PROGRAMS**

9 **“SEC. 886. MODELING AND SIMULATION.**

10 “(a) PURPOSE; DEFINITION.—

11 “(1) PURPOSE.—The purpose of this section is
12 to promote the study of modeling and simulation at
13 institutions of higher education, through the collabo-
14 ration with new and existing programs, and specifi-
15 cally to promote the use of technology in such study
16 through the creation of accurate models that can
17 simulate processes or recreate real life, by—

18 “(A) establishing a task force at the De-
19 partment of Education to raise awareness of
20 and define the study of modeling and simula-
21 tion;

22 “(B) providing grants to institutions of
23 higher education to develop new modeling and
24 simulation degree programs; and

1 “(C) providing grants for institutions of
2 higher education to enhance existing modeling
3 and simulation degree programs.

4 “(2) DEFINITION.—In this section, the term
5 ‘modeling and simulation’ means a field of study re-
6 lated to the application of computer science and
7 mathematics to develop a level of understanding of
8 the interaction of the parts of a system and of a sys-
9 tem as a whole.

10 “(b) ESTABLISHMENT OF TASK FORCE.—

11 “(1) IN GENERAL.—Subject to the availability
12 of appropriations, the Secretary shall establish a
13 taskforce within the Department of Education to
14 study modeling and simulation and to support the
15 development of the modeling and simulation field.
16 The activities of such taskforce shall include—

17 “(A) helping to define the study of mod-
18 eling and simulation (including the content of
19 modeling and simulation classes and programs);

20 “(B) identifying best practices for such
21 study;

22 “(C) identifying core knowledge and skills
23 that individuals who participate in modeling
24 and simulation programs should acquire; and

1 “(D) providing recommendations to the
2 Secretary with respect to—

3 “(i) the information described in sub-
4 paragraphs (A) through (C); and

5 “(ii) a system by which grants under
6 this section will be distributed.

7 “(2) TASKFORCE MEMBERSHIP.—The member-
8 ship of the taskforce under this subsection shall be
9 composed of representatives from—

10 “(A) institutions of higher education with
11 established modeling and simulation degree pro-
12 grams;

13 “(B) the National Science Foundation;

14 “(C) Federal Government agencies that
15 use modeling and simulation extensively, includ-
16 ing the Department of Defense, the National
17 Institute of Health, the Department of Home-
18 land Security, the Department of Health and
19 Human Services, the Department of Energy,
20 and the Department of Transportation;

21 “(D) private industries with a primary
22 focus on modeling and simulation;

23 “(E) national modeling and simulation or-
24 ganizations; and

1 “(F) the Office of Science and Technology
2 Policy.

3 “(c) ENHANCING MODELING AND SIMULATION AT
4 INSTITUTIONS OF HIGHER EDUCATION.—

5 “(1) ENHANCEMENT GRANTS AUTHORIZED.—

6 “(A) IN GENERAL.—The Secretary is au-
7 thorized to award grants, on a competitive
8 basis, to eligible institutions to enhance mod-
9 eling and simulation degree programs at such
10 eligible institutions.

11 “(B) DURATION OF GRANT.—A grant
12 awarded under this subsection shall be awarded
13 for a 3-year period, and such grant period may
14 be extended for not more than 2 years if the
15 Secretary determines that an eligible institution
16 has demonstrated success in enhancing the
17 modeling and simulation degree program at
18 such eligible institution.

19 “(C) MINIMUM GRANT AMOUNT.—Subject
20 to the availability of appropriations, a grant
21 awarded to an eligible institution under this
22 subsection shall not be less than \$750,000.

23 “(D) NON-FEDERAL SHARE.—Each eligible
24 institution receiving a grant under this sub-
25 section shall provide, from non-Federal sources,

1 in cash or in kind, an amount equal to 25 per-
2 cent of the amount of the grant to carry out the
3 activities supported by the grant. The Secretary
4 may waive the non-Federal share requirement
5 under this subparagraph for an eligible institu-
6 tion if the Secretary determines a waiver to be
7 appropriate based on the financial ability of the
8 institution.

9 “(2) ELIGIBLE INSTITUTIONS.—For the pur-
10 poses of this subsection, an eligible institution is an
11 institution of higher education that—

12 “(A) has an established modeling and sim-
13 ulation degree program, including a major,
14 minor, or career-track program; or

15 “(B) has an established modeling and sim-
16 ulation certificate or concentration program.

17 “(3) APPLICATION.—To be considered for a
18 grant under this subsection, an eligible institution
19 shall submit to the Secretary an application at such
20 time, in such manner, and containing such informa-
21 tion as the Secretary may require. Such application
22 shall include—

23 “(A) a letter from the president or provost
24 of the eligible institution that demonstrates the
25 institution’s commitment to the enhancement of

1 the modeling and simulation program at the in-
2 stitution of higher education;

3 “(B) an identification of designated faculty
4 responsible for the enhancement of the institu-
5 tion’s modeling and simulation program; and

6 “(C) a detailed plan for how the grant
7 funds will be used to enhance the modeling and
8 simulation program of the institution.

9 “(4) USES OF FUNDS.—A grant awarded under
10 this subsection shall be used by an eligible institu-
11 tion to carry out the plan developed in accordance
12 with paragraph (3)(C) to enhance modeling and sim-
13 ulation programs at the institution, which may in-
14 clude—

15 “(A) in the case of an institution that is el-
16 igible under paragraph (2)(B), activities to as-
17 sist in the establishment of a major, minor, or
18 career-track modeling and simulation program
19 at the eligible institution;

20 “(B) expanding the multi-disciplinary na-
21 ture of the institution’s modeling and simula-
22 tion programs;

23 “(C) recruiting students into the field of
24 modeling and simulation through the provision
25 of fellowships or assistantships;

1 “(D) creating new courses to compliment
2 existing courses and reflect emerging develop-
3 ments in the modeling and simulation field;

4 “(E) conducting research to support new
5 methodologies and techniques in modeling and
6 simulation; and

7 “(F) purchasing equipment necessary for
8 modeling and simulation programs.

9 “(d) ESTABLISHING MODELING AND SIMULATION
10 PROGRAMS.—

11 “(1) ESTABLISHMENT GRANTS AUTHORIZED.—

12 “(A) IN GENERAL.—The Secretary is au-
13 thorized to award grants to institutions of high-
14 er education to establish a modeling and sim-
15 ulation program, including a major, minor, ca-
16 reer-track, certificate, or concentration pro-
17 gram.

18 “(B) DURATION OF GRANT.—A grant
19 awarded under this subsection shall be awarded
20 for a 3-year period, and such grant period may
21 be extended for not more than 2 years if the
22 Secretary determines that an eligible institution
23 has demonstrated success in establishing a
24 modeling and simulation degree program at
25 such eligible institution.

1 “(C) MINIMUM GRANT AMOUNT.—Subject
2 to the availability of appropriations, a grant
3 awarded to an eligible institution under this
4 subsection shall not be less than \$750,000.

5 “(D) NON-FEDERAL SHARE.—Each eligible
6 institution receiving a grant under this sub-
7 section shall provide, from non-Federal sources,
8 in cash or in kind, an amount equal to 25 per-
9 cent of the amount of the grant to carry out the
10 activities supported by the grant. The Secretary
11 may waive the non-Federal share requirement
12 under this subparagraph for an eligible institu-
13 tion if the Secretary determines a waiver to be
14 appropriate based on the financial ability of the
15 institution.

16 “(2) APPLICATION.—To apply for a grant
17 under this subsection, an eligible institution shall
18 submit to the Secretary an application at such time,
19 in such manner, and containing such information as
20 the Secretary may require. Such application shall in-
21 clude—

22 “(A) a letter from the president or provost
23 of the eligible institution that demonstrates the
24 institution’s commitment to the establishment

1 of a modeling and simulation program at the
2 institution of higher education;

3 “(B) a detailed plan for how the grant
4 funds will be used to establish a modeling and
5 simulation program at the institution; and

6 “(C) a description of how the modeling
7 and simulation program established under this
8 subsection will complement existing programs
9 and fit in to the institution’s current program
10 and course offerings.

11 “(3) USES OF FUNDS.—A grant awarded under
12 this subsection may be used by an eligible institution
13 to—

14 “(A) establish, or work toward the estab-
15 lishment of, a modeling and simulation pro-
16 gram, including a major, minor, career-track,
17 certificate, or concentration program at the eli-
18 gible institution;

19 “(B) provide adequate staffing to ensure
20 the successful establishment of the modeling
21 and simulation program, which may include the
22 assignment of full-time dedicated or supportive
23 faculty; and

24 “(C) purchasing equipment necessary for a
25 modeling and simulation program.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$40,000,000 for fiscal year 2009 and such sums as may
 4 be necessary for each of the 4 succeeding fiscal years. Of
 5 the amounts authorized to be appropriated for each fiscal
 6 year—

7 “(1) \$1,000,000 is authorized to carry out the
 8 activities of the task force established pursuant to
 9 subsection (b); and

10 “(2) of the amount remaining after the alloca-
 11 tion for paragraph (1)—

12 “(A) 50 percent is authorized to carry out
 13 the grant program under subsection (c); and

14 “(B) 50 percent is authorized to carry out
 15 the grant program under subsection (d).

16 **“PART Q—BUSINESS WORKFORCE**

17 **PARTNERSHIPS**

18 **“SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE**

19 **PARTNERSHIPS.**

20 “(a) PURPOSE AND AUTHORIZATION.—

21 “(1) PURPOSE.—The purpose of this section is
 22 to provide grants to institutions of higher education
 23 partnering with employers to strengthen ties be-
 24 tween college degree credit offerings and business

1 and industry workforce needs, and expand opportu-
2 nities for worksite learning.

3 “(2) AUTHORIZATION OF PROGRAM.—The Sec-
4 retary shall award grants, on a competitive basis, to
5 eligible partnerships for the purposes of creating
6 business and industry workforce partnerships.

7 “(b) DEFINITION OF BUSINESS AND INDUSTRY
8 WORKFORCE PARTNERSHIP.—

9 “(1) IN GENERAL.—For purposes of this sec-
10 tion, the term ‘business and industry workforce part-
11 nership’ means a partnership between one or more
12 institutions of higher education and—

13 “(A) an employer or group of employers,
14 or a local board (as such term is defined in sec-
15 tion 101 of the Workforce Investment Act of
16 1998), or both; and

17 “(B) labor organizations, where applicable,
18 that represent workers locally in the businesses
19 or industries that are the focus of the partner-
20 ship, including as a result of such organiza-
21 tion’s representation of employees at a worksite
22 at which the partnership proposes to conduct
23 activities under this section.

24 “(2) EXCEPTION.—In the case of a State that
25 does not operate local boards, paragraph (1)(A)

1 shall be applied by substituting ‘State board’ for
2 ‘local board’.

3 “(3) EXISTING PARTNERSHIPS.—Nothing in
4 this subsection shall be construed to prohibit a part-
5 nership that is in existence on the date of enactment
6 of this section from applying for a grant under this
7 section.

8 “(c) APPLICATION.—A business and industry work-
9 force partnership seeking a grant under this section shall
10 submit an application to the Secretary at such time, in
11 such manner, and containing such information as the Sec-
12 retary may require.

13 “(d) PRIORITY FOR APPLICATIONS FOCUSED ON
14 SERVING NONTRADITIONAL STUDENTS.—The Secretary
15 shall give priority to applications focused on serving non-
16 traditional students who are independent, as defined in
17 section 480(d), do not already have a bachelor’s degree,
18 and who have one or more of the following characteristics:

19 “(1) Are the first generation in their family to
20 attend college.

21 “(2) Have delayed enrollment in college.

22 “(3) Have dependents.

23 “(e) PEER REVIEW.—The Secretary shall convene a
24 peer review process, which shall include individuals knowl-
25 edgeable about workforce education for working adults, to

1 review applications for grants under this section, and
2 make recommendations to the Secretary on the selection
3 of grant recipients.

4 “(f) MANDATORY ACTIVITIES.—A partnership that
5 receives a grant under this section shall use the grant
6 funds to carry out all of the following activities:

7 “(1) Identify high demand occupations in the
8 regional labor market which offer or can lead to high
9 wages, in coordination with the State employment
10 security agency funded under the Wagner-Peyser
11 Act.

12 “(2) Develop linked career and educational
13 pathways for those occupations and related ones, in-
14 cluding, where appropriate, pathways involving reg-
15 istered apprenticeships.

16 “(3) Consult with employers offering jobs in oc-
17 cupations identified under paragraph (1) to deter-
18 mine workforce development needs.

19 “(4) Consult with labor organizations rep-
20 resenting workers locally in the occupations identi-
21 fied in paragraph (1), where applicable.

22 “(5) Identify existing college degree credit of-
23 ferings or create new degree credit offerings that
24 prepare students to meet business and industry

1 workforce needs, including offerings connected to
2 registered apprenticeship programs.

3 “(g) PERMISSIBLE ACTIVITIES.—A partnership that
4 receives a grant under this section may use the grant
5 funds to carry out one or more of the following activities:

6 “(1) In consultation with faculty in the appro-
7 priate departments, adapt college offerings identified
8 and created under subsection (f)(5) to the schedules
9 and needs of working students, such as by creating
10 evening, weekend, modular, compressed, or distance
11 learning formats, enrolling students in learning com-
12 munities, or other relevant innovations.

13 “(2) Create bridge programs that prepare stu-
14 dents with lower skills or limited English proficiency
15 to enter the college offerings identified or created
16 under subsection (f)(5).

17 “(3) Expand worksite learning opportunities.

18 “(4) Other activities that the institution and
19 the Secretary deem appropriate to carry out the pur-
20 poses of this program.

21 “(h) GRANT PERIOD.—Grants made under this sec-
22 tion shall be for a period of at least 36 months and not
23 more than 60 months.

1 “(i) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to grantees under this section
3 throughout the grant period.

4 “(j) EVALUATION.—The Secretary shall conduct an
5 evaluation of the effectiveness of the program under this
6 section and disseminate the findings of such evaluation,
7 as well as information on promising practices developed
8 under this section.

9 “(k) REPORT TO CONGRESS.—Not less than 36
10 months after the first grant is awarded under this section,
11 the Secretary, jointly with the Secretary of Labor, shall
12 report to Congress on:

13 “(1) Changes to the Higher Education Act and
14 related Acts, such as the Perkins Vocational and
15 Technical Education Act and the Workforce Invest-
16 ment Act (both Title I and Title II), that would help
17 create and sustain business and industry workforce
18 partnerships at colleges.

19 “(2) Other changes to the Higher Education
20 Act and related Acts, such as the Perkins Vocational
21 and Technical Education Act and the Workforce In-
22 vestment Act, that would more generally strengthen
23 the links between business and industry workforce
24 needs, workforce development programs, and other
25 college degree credit offerings.

1 **“PART R—PATH TO SUCCESS PROGRAM**

2 **“SEC. 887. PATH TO SUCCESS.**

3 “(a) PURPOSE.—The purpose of this part is to en-
4 courage community supported programs that—

5 “(1) leverage and enhance community support
6 for at-risk young adults by facilitating the transition
7 of such young adults who are eligible individuals into
8 productive learning environments where such young
9 adults can obtain the life, social, academic, and vo-
10 cational skills and credentials necessary to strength-
11 en the Nation’s workforce;

12 “(2) provide counseling, as appropriate, for eli-
13 gible individuals participating in the programs to
14 allow such individuals to build a relationship with
15 one or more guidance counselors during the period
16 that the individuals are enrolled in the programs, in-
17 cluding providing referrals and connections to com-
18 munity resources that help eligible individuals tran-
19 sition back into the community with the necessary
20 life, social, academic, and vocational skills after
21 being in detention, or incarcerated, particularly re-
22 sources related to health, housing, job training, and
23 work-place readiness;

24 “(3) provide training and education for eligible
25 individuals participating in the programs, to allow
26 such individuals to assist community officials and

1 law enforcement agencies with the deterrence and
2 prevention of gang and youth violence by partici-
3 pating in seminars, training, and workshops
4 throughout the community; and

5 “(4) provide each eligible youth participating in
6 the programs with individual attention based on a
7 curriculum that matches the interests and abilities
8 of the individual to the resources of the program.

9 “(b) REENTRY EDUCATION PROGRAM.—

10 “(1) GRANT PROGRAM ESTABLISHED.—The
11 Secretary is authorized to award grants to commu-
12 nity colleges to enter into and maintain partnerships
13 with juvenile detention centers and secure juvenile
14 justice residential facilities to provide assistance,
15 services, and education to eligible individuals who re-
16 enter the community and pursue, in accordance with
17 the requirements of this part, at least one of the fol-
18 lowing:

19 “(A) A certificate of graduation from a
20 school providing secondary education, a general
21 equivalency diploma (GED), or another recog-
22 nized equivalent of such a certificate or di-
23 ploma.

24 “(B) A certificate of completion for a spe-
25 cialized area of study, such as vocational train-

1 ing and other alternative post-secondary edu-
2 cational programs.

3 “(C) An associate’s degree.

4 “(2) GRANT PERIOD.—A grant awarded under
5 this part shall be for one 2-year period, and may be
6 renewed for an additional period as the Secretary
7 determines to be appropriate.

8 “(3) APPLICATION.—A community college de-
9 siring to receive a grant under this section shall sub-
10 mit an application to the Secretary at such time, in
11 such manner, and containing such information as
12 the Secretary shall require, which shall include—

13 “(A) an assessment of the existing commu-
14 nity resources available to serve at-risk youth;

15 “(B) a detailed description of the program
16 and activities the community college will carry
17 out with such grant; and

18 “(C) a proposed budget describing how the
19 community college will use the funds made
20 available by such grant.

21 “(4) PRIORITY.—In awarding grants under this
22 part, the Secretary of Education shall give priority
23 to community colleges that accept the highest num-
24 ber of eligible individuals from high-risk areas, and
25 among such community colleges, shall give priority

1 to community colleges that the Secretary determines
2 will best carry out the purposes of this part, based
3 on the applications submitted in accordance with
4 paragraph (3).

5 “(c) ALLOWABLE USES OF FUNDS.—A community
6 college awarded a grant under this part may use such
7 grant to—

8 “(1) pay for tuition and transportation costs of
9 eligible individuals;

10 “(2) establish and carry out an education pro-
11 gram that includes classes for eligible individuals
12 that—

13 “(A) provide marketable life and social
14 skills to such individuals;

15 “(B) meet the education program require-
16 ments under subsection (d);

17 “(C) promote the civic engagement of such
18 individuals; and

19 “(D) facilitate a smooth reentry of such in-
20 dividuals into the community;

21 “(3) create and carry out a mentoring pro-
22 gram—

23 “(A) that is specifically designed to help el-
24 igible individuals with the potential challenges

1 of the transitional period from detention to re-
2 lease;

3 “(B) is created in consultation with guid-
4 ance counselors, academic advisors, law enforce-
5 ment officials, and other community resources;
6 and

7 “(C) that is administered by a program co-
8 ordinator, selected and employed by the commu-
9 nity college, who shall oversee each individual’s
10 development and shall serve as the immediate
11 supervisor and reporting officer to whom the
12 academic advisors, guidance counselors, and
13 volunteers shall report regarding the progress
14 of each such individual;

15 “(4) facilitate employment opportunities for eli-
16 gible individuals by entering into partnerships with
17 public and private entities to provide opportunities
18 for internships, apprenticeships, and permanent em-
19 ployment, as possible, for such individuals; and

20 “(5) provide training for eligible individuals
21 participating in the programs, to allow such individ-
22 uals to assist community officials and law enforce-
23 ment agencies with the deterrence and prevention of
24 gang and youth violence by participating in seminars
25 and workshop series throughout the community.

1 “(d) EDUCATION PROGRAM REQUIREMENTS.—An
2 education program established and carried out under sub-
3 section (c) shall—

4 “(1) include classes that are required for com-
5 pletion of a certificate, diploma, or degree described
6 in subparagraphs (A) through (C) of subsection
7 (b)(1);

8 “(2) provide a variety of academic programs,
9 with various completion requirements, to accommo-
10 date the distinctive academic backgrounds, learning
11 curves, and concentration interests of the eligible in-
12 dividuals who participate in the program;

13 “(3) offer flexible academic programs that are
14 designed to improve the academic development and
15 achievement of eligible individuals, and to avoid high
16 attrition rates for such individuals; and

17 “(4) provide for a uniquely designed education
18 plan for each eligible individual participating in the
19 program, which shall require such individual to re-
20 ceive, at a minimum, a certificate or diploma de-
21 scribed in subparagraph (A) of subsection (b)(1) to
22 successfully complete such program.

23 “(e) REPORTS.—Each community college awarded a
24 grant under this part shall submit to the Secretary of
25 Education a report—

1 “(1) documenting the results of the program
2 carried out with such grant; and

3 “(2) evaluating the effectiveness of activities
4 carried out through such program.

5 “(f) DEFINITIONS.—In this part:

6 “(1) COMMUNITY COLLEGE.—The term ‘com-
7 munity college’ means a public or nonprofit institu-
8 tion of higher education (as such term is defined in
9 section 101 or 102(a)(2)(B)), that—

10 “(A) provides an educational program of
11 not less than two years; and

12 “(B) that is accredited by a regional ac-
13 crediting agency or association.

14 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
15 individual’ means an individual who—

16 “(A) is 16 to 25 years of age;

17 “(B) has been convicted of a gang-related
18 offense, and has served a period of detention in
19 a juvenile detention center for such offense; and

20 “(C) is detained in, or has been released
21 from, such center.

22 “(3) GANG-RELATED OFFENSE.—The term
23 ‘gang-related offense’ means conduct constituting
24 any Federal or State crime, punishable by imprison-
25 ment in any of the following categories:

1 “(A) A crime of violence.

2 “(B) A crime involving obstruction of jus-
3 tice, tampering with or retaliating against a
4 witness, victim, or informant, or burglary.

5 “(C) A crime involving the manufacturing,
6 importing, distributing, possessing with intent
7 to distribute, or otherwise dealing in a con-
8 trolled substance or listed chemical (as those
9 terms are defined in section 102 of the Con-
10 trolled Substances Act (21 U.S.C. 802)).

11 “(4) GUIDANCE COUNSELOR.—The term ‘guid-
12 ance counselor’ means an individual who works with
13 at-risk youth on a one-on-one basis, to establishing
14 a supportive relationship with such at-risk youth and
15 to provide such at-risk youth with academic assist-
16 ance and exposure to new experiences that enhance
17 their ability to become responsible citizens.

18 “(5) HIGH-RISK AREA.—The term ‘high-risk
19 area’ means a specified area within a State where
20 there is a disproportionately high number of gang-
21 related activities reported to State and local law en-
22 forcement authorities.”.

23 **SEC. 802. SENSE OF THE CONGRESS; REPORT.**

24 (a) SENSE OF CONGRESS.—It is the sense of the Con-
25 gress that—

1 (1) in order to provide the borrowers of Federal
2 student loans with the option of converting their
3 loans to income contingent repayment by providing
4 direct loans for the discharge of such loans (in this
5 section referred to as “direct IDEA loans”), the Sec-
6 retary of Education and the Secretary of the Treas-
7 ury will work together to develop a process by which
8 the borrower will make payments on such loan using
9 the income tax withholding system and will make ap-
10 propriate adjustments to his or her withholding or
11 estimated tax payments for such purposes;

12 (2) the Secretaries should determine—

13 (A) whether such a repayment option
14 would be beneficial to borrowers and taxpayers;
15 and

16 (B) how such program would be imple-
17 mented by the Departments of Education and
18 Treasury; and

19 (3) this process would—

20 (A) streamline the repayment process and
21 provide greater flexibility for borrowers electing
22 to use the direct IDEA loan;

23 (B) significantly reduce the number of loan
24 defaults by borrowers; and

1 (C) significantly reduce the redundancy in
2 reporting information pertaining to income con-
3 tingent repayment to the Department of Edu-
4 cation, institutions, and applicants.

5 (b) REPORT.—The Secretaries of Education and the
6 Treasury shall, within one year after the date of enact-
7 ment of this Act—

8 (1) provide the Congress with information on
9 the progress in devising the direct IDEA loan with
10 income contingent repayment using the income tax
11 withholding system;

12 (2) inform the Congress of any necessary statu-
13 tory changes for the purpose of establishing a direct
14 IDEA loan with income contingent repayment using
15 the income tax withholding system; and

16 (3) consider international programs dem-
17 onstrating implementation of income contingent re-
18 payment collected through revenue services, such as
19 programs in England, Australia, and New Zealand.

20 **SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDU-**
21 **CATION PROGRAMS.**

22 (a) INDEPENDENT EVALUATION.—The Secretary of
23 Education shall enter into an agreement with the National
24 Academy of Sciences to conduct a scientifically correct and
25 statistically valid evaluation of the quality of distance edu-

1 cation programs, as compared to campus-based education
2 programs, at institutions of higher education. Such eval-
3 uation shall include—

4 (1) identification of the elements by which the
5 quality of distance education, as compared to cam-
6 pus-based education, can be assessed, including ele-
7 ments such as subject matter, interactivity, and stu-
8 dent outcomes;

9 (2) identification of distance and campus-based
10 education program success, with respect to student
11 achievement, in relation to the mission of the insti-
12 tution of higher education; and

13 (3) identification of the types of students (in-
14 cluding classification of types of students based on
15 student age) who most benefit from distance edu-
16 cation programs, the types of students who most
17 benefit from campus-based education programs, and
18 the types of students who do not benefit from dis-
19 tance education programs, by assessing elements in-
20 cluding access to higher education, job placement
21 rates, undergraduate graduation rates, and graduate
22 and professional degree attainment rates.

23 (b) SCOPE.—The National Academy of Sciences shall
24 select for participation in the evaluation under subsection

1 (a) a diverse group of institutions of higher education with
 2 respect to size, mission, and geographic distribution.

3 (c) INTERIM AND FINAL REPORTS.—The agreement
 4 under subsection (a) shall require that the National Acad-
 5 emy of Sciences submit to the authorizing committees (as
 6 such term is defined in section 103 of the Higher Edu-
 7 cation Act of 1965 (20 U.S.C. 1003)—

8 (1) an interim report regarding the evaluation
 9 under subsection (a) not later than December 31,
 10 2008; and

11 (2) a final report regarding such evaluation not
 12 later than December 31, 2010.

13 **SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO**
 14 **“GO GREEN”.**

15 (a) FINDINGS.—The Committee on Education and
 16 Labor of the House of Representatives makes the fol-
 17 lowing findings:

18 (1) A commitment to and academic programs
 19 for environmental and economic sustainability are
 20 essential for our Nation’s future prosperity.

21 (2) The more than 4,200 higher education in-
 22 stitutions in the United States have the capacity to
 23 innovatively leverage spending and change consump-
 24 tion patterns by incorporating concepts of sustain-
 25 ability into their academic programs and by mod-

1 eling sustainable economic and environmental prac-
2 tices for their communities.

3 (3) Many colleges and universities have inter-
4 disciplinary programs or centers focusing on equip-
5 ping students with the academic content knowledge
6 needed to understand concepts of sustainability and
7 “going green”.

8 (4) Many colleges and universities have pro-
9 grams related to the research of sustainability and
10 sustainable systems.

11 (5) Academic programs related to sustainability
12 vary in rigor because no national education content
13 standards for academic sustainability programs cur-
14 rently exist.

15 (6) Colleges and universities may partner with
16 businesses to encourage students and faculty to
17 translate academic learning and research into prac-
18 tical solutions that promote sustainability.

19 (7) Colleges and universities that make an ef-
20 fort to reduce energy consumption and promote envi-
21 ronmental sustainability not only reduce their own
22 emissions, but also motivate the leaders of the next
23 generation to action and create technical skills and
24 resources to develop innovative solutions.

1 (8) Many colleges and universities have under-
2 taken detailed, campus-wide assessments of their
3 progress toward “going green” and sustainability or
4 have measured their progress in specific sectors,
5 such as operations, or specific parameters, such as
6 recycling, energy, and water consumption.

7 (9) No system that evaluates and compares col-
8 lege and university campuses in terms of overall sus-
9 tainability-related academic programs and practices
10 currently exists.

11 (b) SENSE OF THE COMMITTEE ON EDUCATION AND
12 LABOR.—It is the sense of the Committee on Education
13 and Labor that in order to encourage increased public
14 awareness of the need to “go green” by using sustainable
15 economic and environmental practices and rigorous sus-
16 tainability academic programs on college and university
17 campuses, the following should be encouraged:

18 (1) The development of educational standards
19 by institutions of higher education to determine the
20 necessary rigor and effectiveness of academic sus-
21 tainability programs.

22 (2) Public awareness of the need for “going
23 green” by using sustainable economic and environ-
24 mental practices.

1 (3) Non-governmental efforts to improve eco-
2 nomic and environmental sustainability efforts on
3 college and university campuses, including holding
4 national summits to share best practices.

5 (4) Collaborative partnerships between Federal
6 agencies, businesses, universities and communities to
7 broaden sustainability practices.

8 **SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH,**
9 **AND SAFETY STANDARDS.**

10 (a) STUDY.—The Secretary of Education shall com-
11 mission the National Research Council to conduct a na-
12 tional study to determine the viability of developing and
13 implementing standards in environmental, health, and
14 safety areas to provide for differential regulation of indus-
15 trial laboratories and facilities, on the one hand, and re-
16 search and teaching laboratories on the other. The Na-
17 tional Research Council shall make specific recommenda-
18 tions for statutory and regulatory changes that are needed
19 to develop such a differential approach.

20 (b) REPORT.—The Secretary of Education shall sub-
21 mit the list of those regulations that impose the greatest
22 compliance costs on institutions of higher education and
23 make recommendations for statutory changes to ease the
24 compliance burden to the authorizing committees (as such

1 term is defined in section 103 of the Higher Education
2 Act of 1965 (20 U.S.C. 1003).

3 **SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVE-**
4 **MENT.**

5 (a) STUDY REQUIRED.—The Secretary of Education
6 shall—

7 (1) commission and ensure the conduct of a na-
8 tional study of underrepresented minority males,
9 particularly African American and Hispanic Amer-
10 ican males, completing high school, and entering and
11 graduating from colleges and universities in accord-
12 ance with the following:

13 (A) the data comprising the study shall
14 focus primarily on African American and His-
15 panic American males and will utilize existing
16 data sources;

17 (B) the study shall focus on high school
18 completion and preparation for college, success
19 on the SAT and ACT, and minority male access
20 to college, including the financing of college,
21 and college persistence and graduation; and

22 (C) the implementation of the study shall
23 be in four stages based on the recommendations
24 of the Commissioner of Education Statistics;
25 and

1 (2) make specific recommendations to the Con-
2 gress and State superintendents of education on new
3 approaches to increase—

4 (A) the number of minority males success-
5 fully preparing themselves for college study;

6 (B) the number of minority males grad-
7 uating from high school and entering college;
8 and

9 (C) the number of minority males grad-
10 uating from college and entering careers in
11 which they are underrepresented.

12 (b) SUBMISSION OF THE REPORT.—Not later than
13 4 years after the date of enactment of this section, the
14 Secretary shall submit a report on the study required by
15 subsection (a)(1), together with the recommendations re-
16 quired by subsection (a)(2), to the authorizing committees
17 (as such term is defined in section 103 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1003)).

19 **SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.**

20 (a) STUDY.—The Comptroller General shall conduct
21 a study to identify any race, ethnicity, and gender biases
22 present in the design of standardized tests that are used
23 for admission to institutions of higher education.

24 (b) DATA AVAILABLE TO THE PUBLIC.—Any data
25 collected and used for the study under subsection (a) shall

1 be made publicly available, except that such data shall not
2 be made available in any manner that reveals personally
3 identifiable information relating to any individual.

4 (c) REPORT.—Not later than one year after date of
5 the enactment of this Act, the Comptroller General shall
6 issue an interim report to the authorizing committees (as
7 defined in section 103 of the Higher Education Act of
8 1965 (20 U.S.C. 1003)) related to the progress of the
9 study under subsection (a).

10 **SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.**

11 (a) STUDY REQUIRED.—The Congressional Budget
12 Office shall conduct a study on the feasibility of allowing
13 borrowers in repayment of student loans made under the
14 Higher Education Act of 1965 the option of selecting or
15 renegotiating a fixed or variable interest rate on their
16 loans and the repayment period of such loans. The study
17 shall evaluate various scenarios and options and take into
18 consideration the costs to the government, lenders and
19 borrowers of allowing such an option as well as the impact
20 on service quality.

21 (b) REPORT.—The Congressional Budget Office shall
22 submit a report on the study required by this section to
23 the authorizing committees (as defined in section 103 of
24 the Higher Education Act of 1965 (20 U.S.C. 1003)) not

1 later than one year after the date of the enactment of this
2 Act.

3 **SEC. 809. ENDOWMENT REPORT.**

4 (a) ANALYSIS OF ENDOWMENTS.—The Secretary of
5 Education shall conduct a study on the amounts, uses, and
6 public purposes of the endowments of institutions of high-
7 er education. The study shall include information
8 (disaggregated by types of institution) describing—

9 (1) the average and range of—

10 (A) the outstanding balance of such en-
11 dowments;

12 (B) the growth of such endowments over
13 the last 20 years; and

14 (C) the percentage of spending on an an-
15 nual basis and, to the extent practicable, the
16 uses of such endowments by the institutions;
17 and

18 (2) the extent to which the funds in such en-
19 dowments are restricted, and the restrictions placed
20 upon such funds.

21 (b) SUBMISSION OF REPORT.—The Secretary shall
22 submit the report required by subsection (a) to the author-
23 izing committees (as such term is defined in section 103
24 of the Higher Education Act of 1965 (20 U.S.C. 1003))

1 not later than one year after the date of enactment of this
2 Act.

3 **SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY**
4 **EDUCATION.**

5 (a) STUDY REQUIRED.—The Secretary of Education
6 shall—

7 (1) conduct a longitudinal study to assess the
8 effects of correctional postsecondary education
9 that—

10 (A) employs rigorous empirical methods
11 that control for self-selection bias;

12 (B) measures a range of outcomes, includ-
13 ing those related to employment and earnings,
14 recidivism, engaged citizenship, impact on fami-
15 lies of the incarcerated, and impact on the cul-
16 ture of the correctional institution;

17 (C) examines different delivery systems of
18 postsecondary education, such as on-site and
19 distance learning; and

20 (D) includes a projected cost-benefit anal-
21 ysis of the Federal investment in terms of re-
22 duction of future offending, reduction of future
23 prison costs (construction and operational), in-
24 creased tax payments by formerly incarcerated
25 individuals, a reduction of welfare and other so-

1 cial service costs for successful formerly incar-
2 cerated individuals, and increased costs from
3 the employment of formerly incarcerated indi-
4 viduals; and

5 (2) make specific recommendations to the Con-
6 gress and the relevant State agencies responsible for
7 correctional education, such as the State super-
8 intendents of education and State secretaries of cor-
9 rections, on best approaches to increase correctional
10 education and its effectiveness.

11 (b) SUBMISSION OF REPORTS.—Not later than 3
12 years after the date of enactment of this Act, the Sec-
13 retary shall submit an interim report on the progress of
14 the study required by subsection (a)(1) to the authorizing
15 committees (as defined in section 103 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1003)). Not later than 7
17 years after the date of enactment of this Act, the Sec-
18 retary shall submit a final report, together with the rec-
19 ommendations required by subsection (a)(3), to the au-
20 thorizing committees.

21 **SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PRO-**
22 **GRAM.**

23 (a) PROGRAM AUTHORIZED.—The Secretary is au-
24 thorized to provide grants, on a competitive basis, to insti-

1 tutions of higher education (as defined in section 102) to
2 support a National Undergraduate Fellows program.

3 (b) PURPOSE OF GRANTS.—Grants under this section
4 shall be provided to enable administrators (including stu-
5 dent affairs administrators)—

6 (1) to improve postsecondary degree completion
7 rates of current underrepresented students through
8 mentoring, a leadership institute, an internship, and
9 funding to attend regional and national higher edu-
10 cation administration conferences;

11 (2) to increase the retention and success rates
12 of not only current students, but future generations
13 of underrepresented college students, by encouraging
14 them to pursue a career in higher education or stu-
15 dent affairs; and

16 (3) to increase the quality and number of
17 underrepresented higher education and student af-
18 fairs administrators able to provide much needed
19 student support services to students.

20 (c) USES OF FUNDS.—Grantees under this section
21 may use the funds to provide—

22 (1) staffing support for the program, which
23 may include a higher education administrator as a
24 mentor;

1 (2) summer internship opportunities focusing
2 on higher education administration, at an institution
3 other than their own;

4 (3) a summer leadership institute participation
5 opportunity for self reflection, leadership skill build-
6 ing, graduate school preparation, and career develop-
7 ment; and

8 (4) as needed, support to attend regional and
9 national higher education conferences for additional
10 leadership and professional development.

11 (d) ON-GOING SUPPORT FOR THE FELLOWS PRO-
12 GRAM.—From the funds appropriated in section 800 of
13 the Higher Education Act of 1965, the Secretary shall
14 award a grant, on a competitive basis, to a national orga-
15 nization to enable such organization to support the estab-
16 lishment and ongoing work of the program under this sec-
17 tion.

18 **SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND**
19 **TECHNOLOGY TRUST FUND.**

20 (a) ESTABLISHMENT.—There is established a non-
21 profit corporation to be known as the National Center for
22 Learning Science and Technology (referred to in this Act
23 as the “Center”) which shall not be an agency or estab-
24 lishment of the United States Government. The Center
25 shall be subject to the provisions of this section, and, to

1 the extent consistent with this section, to the District of
2 Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–
3 501 et seq.).

4 (b) FUNDING.—

5 (1) IN GENERAL.—There is established in the
6 Treasury a separate fund to be known as the Na-
7 tional Center for Learning Science and Technology
8 Trust Fund (referred to in this Act as the “Trust
9 Fund”). The Trust Fund shall contain such
10 amounts as are credited to the Trust Fund under
11 paragraph (2) and other funds obtained under para-
12 graph (3).

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the
15 Trust Fund such sums as may be necessary for the
16 fiscal years 2008 and each of the 4 succeeding fiscal
17 years.

18 (3) ADDITIONAL FUNDS.—The Trust Fund is
19 authorized—

20 (A) to accept funds from any Federal
21 agency or entity;

22 (B) to accept, hold, administer, invest, and
23 spend any gift, devise, or bequest of real or per-
24 sonal property made to the Center; and

1 (C) to enter into contracts with individ-
2 uals, public or private organizations, profes-
3 sional societies, and government agencies for
4 the purpose of carrying out the functions of the
5 Center.

6 (c) BOARD OF DIRECTORS; FUNCTIONS, AND DU-
7 TIES.—

8 (1) IN GENERAL.—A board of directors of the
9 Center (referred to in this Act as the “Board”) shall
10 be established to oversee the administration of the
11 Center. The initial Board shall consist of 9 members
12 to be appointed by the Secretary of Education from
13 a list of recommendations received from the House
14 of Representatives and the Senate, who—

15 (A) reflect representation from the public
16 and private sectors; and

17 (B) shall provide, as nearly as practicable,
18 a broad representation of various regions of the
19 United States, various professions and occupa-
20 tions, and various kinds of talent and experi-
21 ence appropriate to the functions and respon-
22 sibilities of the Center.

23 (2) ORGANIZATION AND OPERATION.—The
24 board shall incorporate and operate the center in ac-

1 cordance with the laws governing tax exempt organi-
2 zations in the District of Columbia.

3 (d) TRUST FUND USES.—

4 (1) USES OF FUNDS.—To achieve the objectives
5 of this Act, the Director of the Center, after con-
6 sultation with the Board, shall use Trust funds to
7 support research that is in the public interest but
8 that is unlikely to be undertaken entirely with pri-
9 vate funds—

10 (A) to support precompetitive and applied
11 research development and demonstrations, and
12 assessments of prototypes of innovative digital
13 learning and information technologies as well as
14 the components and tools needed to create
15 them;

16 (B) to support the pilot testing and evalua-
17 tion of these prototype systems;

18 (C) to encourage the widespread adoption
19 and use of effective, innovative digital ap-
20 proaches to learning supported by this Act; and

21 (D) to support innovative digital media
22 education programs for parents, teachers, and
23 children to help children in the United States
24 learn digital safety and build technology lit-
25 eracy.

1 (2) CONTRACTS AND GRANTS.—

2 (A) IN GENERAL.—In order to carry out
3 the activities described in paragraph (1), the
4 Director of the Center, with the agreement of
5 a majority of the members of the Board, may
6 award contracts and grants to colleges and uni-
7 versities, museums, libraries, public broad-
8 casting entities and similar nonprofit organiza-
9 tions and public institutions with or without
10 for-profit partners, and to for-profit organiza-
11 tions.

12 (B) PUBLIC DOMAIN.—

13 (i) IN GENERAL.—The research and
14 development properties and materials asso-
15 ciated with a project in which a majority
16 of the funding used to carry out the
17 project is from a grant or contract under
18 this Act shall be freely and nonexclusively
19 available to the general public in a timely
20 manner.

21 (ii) EXEMPTION.—The Director of the
22 Center may exempt specific projects from
23 the requirement of clause (i) if the Direc-
24 tor of the Center and a majority of the
25 members of the Board determine that the

1 general public will benefit significantly due
2 to the project not being freely and non-
3 exclusively available to the general public
4 in a timely manner.

5 (C) PEER REVIEW.—To the extent prac-
6 ticable, proposals for grants or contracts shall
7 be evaluated on the basis of comparative merit
8 by panels of experts who represent diverse in-
9 terests and perspectives, and who are appointed
10 by the Director of the Center from rec-
11 ommendations from the fields served and from
12 the Board of Directors.

13 (e) ACCOUNTABILITY AND REPORTING.—

14 (1) REPORT.—

15 (A) IN GENERAL.—Not later than April 30
16 of each year, the Director of the Center shall
17 prepare a report for the preceding fiscal year
18 that contains the information described in sub-
19 paragraph (B).

20 (B) CONTENTS.—A report under subpara-
21 graph (A) shall include—

22 (i) a comprehensive and detailed re-
23 port of the Center's operations, activities,
24 financial condition, and accomplishments,

1 and such recommendations as the Director
2 of the Center determines appropriate;

3 (ii) a comprehensive and detailed in-
4 ventory of funds distributed from the
5 Trust Fund during the fiscal year for
6 which the report is being prepared; and

7 (iii) an independent audit of the Trust
8 Fund's finances and operations, and of the
9 implementation of the goals established by
10 the Board.

11 (C) STATEMENT OF THE BOARD.—Each
12 report under subparagraph (A) shall include a
13 statement from the Board containing—

14 (i) a clear description of the plans and
15 priorities of the Board for the subsequent
16 5-year period for expenditures from the
17 Trust Fund; and

18 (ii) an estimate of the funds that will
19 be available for such expenditures from the
20 Trust Fund.

21 (D) SUBMISSION TO THE PRESIDENT AND
22 CONGRESS.—A report under this subsection
23 shall be submitted to the President and the au-
24 thorizing committees (as such term is defined in

1 section 103 of the Higher Education Act of
2 1965 (20 U.S.C. 1003)).

3 (2) TESTIMONY.—The Director and principal
4 officers of the Center shall testify before the appro-
5 priate committees of Congress, upon request of such
6 committees, with respect to—

7 (A) a report prepared under paragraph
8 (1)(A); and

9 (B) any other matter that such committees
10 may determine appropriate.

11 (f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—
12 The authority to award grants, enter into contracts, or
13 otherwise to expend funds under this section is subject to
14 the availability of amounts deposited into the Trust Fund
15 under subsection (b)(3)(A) or (B), or amounts otherwise
16 appropriated for such purposes by an Act of Congress.

17 **SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTED-**
18 **NESS OF MEDICAL SCHOOL GRADUATES.**

19 (a) STUDY REQUIRED.—The Comptroller General
20 shall conduct a study to evaluate the higher education re-
21 lated indebtedness of medical school graduates in the
22 United States at the time of graduation.

23 (b) DEADLINE.—Not later than 1 year after the date
24 of enactment of this Act, the Comptroller General shall
25 submit a report on the study required by subsection (a)

1 to the authorizing Committees (as such term is defined
2 in section 103 of the Higher Education Act of 1965), and
3 shall make the report widely available to the public. Addi-
4 tional reports may be periodically prepared and released
5 as necessary.

6 **SEC. 814. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS**
7 **ANALYSIS FORMULA.**

8 (a) STUDY.—The Comptroller General shall conduct
9 a study to review the methodology that is used to deter-
10 mine the expected family contribution under part F of title
11 IV of the Higher Education Act of 1965.

12 (b) STUDY COMPONENTS.—The study conducted
13 under subsection (a) shall identify and evaluate the need
14 analysis formula under part F of title IV of the Higher
15 Education Act of 1965 and examine the need for regional
16 sensitivity in need analysis. The study shall include—

17 (1) the factors that are used to determine a
18 student's expected family contribution under part F
19 of title IV of the Higher Education Act;

20 (2) the varying allowances that are made in cal-
21 culating the expected family contribution;

22 (3) the effects of the income protection allow-
23 ance on all aid recipients; and

1 (4) options for modifying the income protection
2 allowance to reflect the significant differences in the
3 cost of living in various parts of the United States.

4 (c) REPORT.—Not later than one year after the date
5 of enactment of this Act, Comptroller General shall report
6 to the authorizing committees (as such term is defined in
7 section 103 of the Higher Education Act of 1965 (20
8 U.S.C. 1003)) on the results of the study conducted under
9 this section.

10 **SEC. 815. DYSLEXIA STUDY.**

11 (a) INDEPENDENT EVALUATION.—The Secretary of
12 Education shall enter into an agreement with the Center
13 for Education of the National Academy of Sciences for
14 a scientifically based study of the quality of teacher edu-
15 cation programs, to determine if teachers are adequately
16 prepared to meet the needs of students with reading and
17 language processing challenges, including dyslexia. Such
18 study shall—

19 (1) establish the prevalence of dyslexia and
20 other processing difficulties in the general popu-
21 lation by conducting a review of existing research
22 and available relevant data; and

23 (2) conduct a survey of institutions of higher
24 education to provide data on the extent to which
25 teacher education programs are based on the essen-

1 tial components of reading instruction and scientif-
2 ically valid research.

3 (b) COMPONENTS.—The study conducted under sub-
4 section (a) shall be designed to provide statistically reliable
5 information on—

6 (1) the number, type of courses, and credit
7 hours required to meet the requirements of the read-
8 ing degree programs; and

9 (2) the extent to which the content of the read-
10 ing degree programs are based on—

11 (A) the essentials of reading instruction
12 and scientifically valid research, including pho-
13 nemic awareness, phonics, fluency, vocabulary,
14 and comprehension; and

15 (B) early intervention strategies based on
16 scientific evidence concerning challenges to the
17 development of language processing capacity,
18 specifically dyslexia, and the extent to which
19 such strategies are effective in preventing read-
20 ing failure before it occurs.

21 (c) SCOPE.—The National Academy of Sciences shall
22 select for participation in the evaluation under subsection
23 (a) a diverse group of institutions of higher education with
24 respect to size, mission, and geographic distribution.

1 (d) INTERIM AND FINAL REPORTS.—The National
2 Academy of Sciences shall submit to the Secretary of Edu-
3 cation, the Committee on Health, Education, Labor and
4 Pensions of the Senate, and the Committee on Education
5 and Labor of the House of Representatives—

6 (1) an interim report regarding the study under
7 subsection (a) not later than 9 months after the
8 award of the contract to the Center for Education,
9 as specified in this Act; and

10 (2) a final report summarizing the findings,
11 conclusions, and recommendations of such study not
12 later than 18 months after the award of such con-
13 tract.

14 (e) TASK FORCE.—

15 (1) ESTABLISHMENT.—Upon completion of the
16 final report under subsection (d)(2), the Secretary of
17 Education shall assemble a task force to make policy
18 recommendations regarding the findings of the re-
19 port to the Secretary.

20 (2) MEMBERSHIP.—The membership of the
21 task force under this subsection shall include chief
22 State school officers, State reading consultants, a
23 panel of master teachers, national reading experts,
24 and researchers with expertise in the relevant fields.

1 (3) PUBLIC HEARINGS.—The task force under
2 this subsection shall hold public hearings to provide
3 an opportunity for public comment on the results of
4 the findings of the task force.

5 **SEC. 816. STUDY AND REPORT ON BORROWER REPAYMENT**
6 **PLANS.**

7 (a) STUDY.—The Secretary of Education shall con-
8 duct a study—

9 (1) on the impact of the standard 10-year stu-
10 dent loan repayment term on the ability of under-
11 graduate borrowers in low-income areas, including
12 Puerto Rico, to repay their loans made under title
13 IV, part B, of the Higher Education Act of 1965;
14 and

15 (2) to examine the extent to which longer pay-
16 ment terms would assist borrowers in such low-in-
17 come areas in reducing their monthly loan payments.

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this title, the Secretary shall submit a re-
20 port to Congress on the results of the study required by
21 this section.

22 **SEC. 817. NURSING SCHOOL CAPACITY.**

23 (a) FINDINGS.—The Congress finds as follows:

24 (1) Researchers in the field of public health
25 have identified the need for a national study to iden-

1 tify constraints encountered by schools of nursing in
2 graduating the number of nurses sufficient to meet
3 the health care needs of the United States.

4 (2) The shortage of qualified registered nurses
5 has adversely affected the health care system of the
6 United States.

7 (3) Individual States have had varying degrees
8 of success with programs designed to increase the
9 recruitment and retention of nurses.

10 (4) Schools of nursing have been unable to pro-
11 vide a sufficient number of qualified graduates to
12 meet the workforce needs.

13 (5) Many nurses are approaching the age of re-
14 tirement, and the problem worsens each year.

15 (6) In 2004, an estimated 125,000 applications
16 from qualified applicants were rejected by schools of
17 nursing, due to a shortage of faculty and a lack of
18 capacity for additional students.

19 (b) STUDY WITH RESPECT TO CONSTRAINTS WITH
20 RESPECT TO SCHOOLS OF NURSING.—

21 (1) IN GENERAL.—The Secretary shall request
22 the Institute of Medicine of the National Academy
23 of Sciences to enter into an agreement under which
24 the Institute conducts a study for the purpose of—

1 (A) identifying constraints encountered by
2 schools of nursing in admitting and graduating
3 the number of registered nurses necessary to
4 ensure patient safety and meet the need for
5 quality assurance in the provision of health
6 care; and

7 (B) developing recommendations to allevi-
8 ate the constraints on a short-term and long-
9 term basis.

10 (2) CERTAIN COMPONENTS.—The Secretary
11 shall ensure that the agreement under paragraph (1)
12 provides that the study under such subsection will
13 include information on the following:

14 (A) The trends in applications for attend-
15 ance at schools of nursing that are relevant to
16 the purpose described in such subsection, in-
17 cluding trends regarding applicants who are ac-
18 cepted for enrollment and applicants who are
19 not accepted, particularly qualified applicants
20 who are not accepted.

21 (B) The number and demographic charac-
22 teristics of entry-level and graduate students
23 currently enrolled in schools of nursing, the re-
24 tention rates at the schools, and the number of
25 recent graduates from the schools, as compared

1 to previous years and to the projected need for
2 registered nurses based on two-year, five-year,
3 and ten-year projections.

4 (C) The number and demographic charac-
5 teristics of nurses who pursue graduate edu-
6 cation in nursing and non-nursing programs
7 but do not pursue faculty positions in schools of
8 nursing, the reasons therefor, including any
9 regulatory barriers to choosing to pursue such
10 positions, and the effect of such decisions on
11 the ability of the schools to obtain adequate
12 numbers of faculty members.

13 (D) The extent to which entry-level grad-
14 uates of the schools are satisfied with their edu-
15 cational preparation, including their participa-
16 tion in nurse externships, internships, and resi-
17 dency programs, and to which they are able to
18 effectively transition into the nursing workforce.

19 (E) The satisfaction of nurse managers
20 and administrators with respect to the prepara-
21 tion and performance levels of entry-level grad-
22 uates from the schools after one year, three
23 years, and five years of practice, respectively.

24 (F) The extent to which the current salary,
25 benefit structures, and characteristics of the

workplace, including the number of nurses who are presently serving in faculty positions, influence the career path of nurses who have pursued graduate education.

(G) The extent to which the use of innovative technologies for didactic and clinical nursing education might provide for an increase in the ability of schools of nursing to train qualified nurses.

(3) RECOMMENDATIONS.—Recommendations under paragraph (2)(B) may include recommendations for legislative or administrative changes at the Federal or State level, and measures that can be taken in the private sector—

(A) to facilitate the recruitment of students into the nursing profession;

(B) to facilitate the retention of nurses in the workplace; and

(C) to improve the resources and ability of the education and health care systems to prepare a sufficient number of qualified registered nurses.

(4) METHODOLOGY OF STUDY.—

(A) SCOPE.—The Secretary shall ensure that the agreement under paragraph (1) pro-

1 vides that the study under such subsection will
2 consider the perspectives of nurses and physi-
3 cians in each of the various types of inpatient,
4 outpatient, and residential facilities in the
5 health care delivery system; faculty and admin-
6 istrators of schools of nursing; providers of
7 health plans or health insurance; and con-
8 sumers.

9 (B) CONSULTATION WITH RELEVANT OR-
10 GANIZATION.—The Secretary shall ensure that
11 the agreement under paragraph (1) provides
12 that relevant agencies and organizations with
13 expertise on the nursing shortage will be con-
14 sulted with respect to the study under such sub-
15 section, including but not limited to the fol-
16 lowing:

17 (i) The Agency for Healthcare Re-
18 search and Quality.

19 (ii) The American Academy of Nurs-
20 ing.

21 (iii) The American Association of Col-
22 leges of Nursing.

23 (iv) The American Nurses Associa-
24 tion.

1 (v) The American Organization of
2 Nurse Executives.

3 (vi) The National Institute of Nursing
4 Research.

5 (vii) The National League for Nurs-
6 ing.

7 (viii) The National Organization for
8 Associate Degree Nursing.

9 (ix) The National Student Nurses As-
10 sociation.

11 (5) REPORT.—The Secretary shall ensure that
12 the agreement under paragraph (1) provides that
13 not later than 18 months after the date of the enact-
14 ment of this section, a report providing the findings
15 and recommendations made in the study under such
16 subsection will be submitted to the Secretary, the
17 Committee on Energy and Commerce of the House
18 of Representatives, and the Committee on Health,
19 Education, Labor, and Pensions of the Senate.

20 (6) OTHER ORGANIZATION.—If the Institute de-
21 clines to conduct the study under paragraph (1), the
22 Secretary may enter into an agreement with another
23 appropriate private entity to conduct the study.

24 (c) DEFINITIONS.—For purposes of this section:

1 (1) The term “Institute” means the Institute of
2 Medicine of the National Academy of Sciences.

3 (2)(A) The term “school of nursing” means a
4 collegiate, associate degree, or diploma school of
5 nursing in a State.

6 (B) The terms “collegiate school of nursing”,
7 “associate degree school of nursing”, and “diploma
8 school of nursing” have the meanings given to such
9 terms in section 801 of the Public Health Service
10 Act.

11 (3) The term “Secretary” means the Secretary
12 of Education.

13 **SEC. 818. STUDY OF THE IMPACT OF STUDENT LOAN DEBT**
14 **ON PUBLIC SERVICE.**

15 (a) STUDY.—The Secretary of Education, in con-
16 sultation with the Office of Management and Budget, is
17 authorized to coordinate with an organization with exper-
18 tise in the field of public service, such as the National
19 Academy of Public Administrators or the American Soci-
20 ety for Public Administration, to coordinate with inter-
21 ested parties to conduct a study of how student loan debt
22 levels impact the decisions of graduates of postsecondary
23 and graduate education programs to enter into public
24 service careers. Such study shall include—

1 (1) an assessment of the challenges to recruit-
2 ing and retaining well-qualified public servants, in-
3 cluding the impact of student loan debt;

4 (2) an evaluation of existing Federal programs
5 to recruit and retain well-qualified public servants;

6 (3) an evaluation of whether additional Federal
7 programs could increase the number of graduates of
8 postsecondary and graduate education programs who
9 enter careers in public service; and

10 (4) recommendations related to any potential
11 pilot programs, including an academy for public
12 service, that could be used to encourage new grad-
13 uates of postsecondary and graduate education pro-
14 grams to enter public service careers.

15 (b) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Secretary of Education,
17 in consultation with the Office of Management and Budg-
18 et, shall submit to Congress a report related to the find-
19 ings of the study conducted under subsection (a).

20 **SEC. 819. FEDERAL REGULATION OF HIGHER EDUCATION**
21 **REPORT.**

22 (a) ANALYSIS OF FEDERAL REGULATIONS ON INSTI-
23 TUTIONS OF HIGHER EDUCATION.—The Secretary of
24 Education shall contract with the National Research
25 Council of the National Academies to conduct a study to

1 ascertain the amount and scope of all Federal regulations
2 and reporting requirements with which institutions of
3 higher education must comply. The study shall include in-
4 formation describing—

5 (1) by agency, the number of Federal regula-
6 tions and reporting requirements affecting institu-
7 tions of higher education;

8 (2) by agency, the estimated time required and
9 costs to institutions of higher education
10 (disaggregated by types of institutions) to comply
11 with the regulations and reporting requirements as
12 required in (a)(1); and

13 (3) by agency, recommendations for consoli-
14 dating, streamlining, and eliminating redundant and
15 burdensome Federal regulations and reporting re-
16 quirements affecting institutions of higher education.

17 (b) SUBMISSION OF REPORT.—The Secretary shall
18 submit the report required by subsection (a) to the author-
19 izing committees (as such term is defined in section 103
20 of the Higher Education Act of 1965 (20 U.S.C. 1003))
21 not later than 18 months after the date of enactment of
22 this Act.

1 **SEC. 820. STUDY OF AID TO LESS-THAN-HALF-TIME STU-**
2 **DENTS.**

3 (a) STUDY REQUIRED.—The Secretary shall conduct
4 a study on making and expanding the student aid avail-
5 able under title IV of the Higher Education Act of 1965
6 to less-than-half-time students. The Secretary shall submit
7 a report on the results of such study, including the Sec-
8 retary's recommendations, to the authorizing committees
9 not later than one year after the date of enactment of this
10 Act.

11 (b) SUBJECTS FOR STUDY.—The study required by
12 this section shall, at a minimum, examine the following:

13 (1) The existing sources of Federal aid for less-
14 than-half-time students seeking a college degree or
15 certificate.

16 (2) The demand for Federal aid for less-than-
17 half-time students and whether the demand is satis-
18 fied by existing sources of Federal aid, taking into
19 consideration not only the number of less-than-half-
20 time students currently seeking a college degree or
21 certificate, but also any increase in the number of
22 less-than-half-time students that may result from an
23 expansion of Federal aid for less-than-half-time stu-
24 dents seeking a college degree or certificate.

25 (3) The potential costs to the Federal Govern-
26 ment and the potential benefits that could be re-

1 ceived by students resulting from expanding Federal
2 aid for less-than-half-time students seeking a college
3 degree or certificate.

4 (4) The barriers to expanding Federal aid for
5 less-than-half-time students, including identifying—

6 (A) statutory and regulatory barriers, such
7 as student eligibility, institutional eligibility,
8 need analysis, program integrity, and award
9 amounts; and

10 (B) other factors that may limit participa-
11 tion in an expanded Federal aid program for
12 less-than-half-time students.

13 (c) RECOMMENDATIONS TO BE PROVIDED.—The
14 Secretary’s recommendations under this section shall in-
15 clude recommendations for designing a demonstration stu-
16 dent loan program tailored to less-than-half-time students.
17 The recommendations shall include any required statutory
18 or regulatory modifications, as well as proposed account-
19 ability mechanisms to protect students, institutions, and
20 the Federal investment in higher education.

21 (d) DEFINITIONS.—As used in this section:

22 (1) the term “Secretary” means the Secretary
23 of Education;

1 (2) the term “authorizing committees” has the
2 meaning provided in section 103 of the Higher Edu-
3 cation Act of 1965, as amended by this Act;

4 (3) the term “less-than-half-time student”
5 means a student who is carrying less than one-half
6 the normal full-time work load for the course of
7 study that the student is pursuing, as determined by
8 the institution such student is attending.

9 **SEC. 821. ESTABLISHMENT OF PILOT PROGRAM FOR**
10 **COURSE MATERIAL RENTAL.**

11 (a) PILOT GRANT PROGRAM.—From the amounts ap-
12 propriated pursuant to subsection (e), the Secretary shall
13 make grants on a competitive basis to not more than 10
14 institutions of higher education to support pilot programs
15 that expand the services of bookstores to provide the op-
16 tion for students to rent course materials in order to
17 achieve savings for students.

18 (b) APPLICATION.—An institution of higher edu-
19 cation that desires to obtain a grant under this section
20 shall submit an application to the Secretary at such time,
21 in such form, and containing or accompanied by such in-
22 formation, agreements, and assurances as the Secretary
23 may reasonably require.

24 (c) USE OF FUNDS.—The funds made available by
25 a grant under this section may be used for—

1 (1) purchase of course materials that the entity
2 will make available by rent to students;

3 (2) any equipment or software necessary for the
4 conduct of a rental program;

5 (3) hiring staff needed for the conduct of a
6 rental program, with priority given to hiring enrolled
7 undergraduate students; and

8 (4) building or acquiring extra storage space
9 dedicated to course materials for rent.

10 (d) EVALUATION AND REPORT.—

11 (1) EVALUATIONS BY RECIPIENTS.—After a pe-
12 riod of time to be determined by the Secretary, each
13 institution of higher education that receives a grant
14 under this section shall submit a report to the Sec-
15 retary on the effectiveness of their rental programs
16 in reducing textbook costs for students.

17 (2) REPORT TO CONGRESS.—Not later than
18 September 30, 2010, the Secretary shall submit a
19 report to Congress on the effectiveness of the text-
20 book rental pilot programs under this section, and
21 identify the best practices developed in such pilot
22 programs. Such report shall contain an estimate by
23 the Secretary of the savings achieved by students
24 who participate in such pilot programs.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$50,000,000 for fiscal year 2009 and 2010.

4 **TITLE IX—AMENDMENTS TO**
 5 **OTHER LAWS**

6 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

7 **SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION**
 8 **CENTER.**

9 Section 104 of the Education of the Deaf Act of 1986
 10 (20 U.S.C. 4304) is amended—

11 (1) by striking the section heading and insert-
 12 ing “**LAURENT CLERC NATIONAL DEAF EDU-**
 13 **CATION CENTER**”;

14 (2) in subsection (a)(1)(A), by inserting “the
 15 Laurent Clerc National Deaf Education Center (re-
 16 ferred to in this section as the ‘Clerc Center’) to
 17 carry out” after “maintain and operate”; and

18 (3) in subsection (b)—

19 (A) in the matter preceding subparagraph
 20 (A) of paragraph (1), by striking “elementary
 21 and secondary education programs” and insert-
 22 ing “Clerc Center”;

23 (B) in paragraph (2), by striking “elemen-
 24 tary and secondary education programs” and
 25 inserting “Clerc Center”;

1 (C) in paragraph (4)(C)—

2 (i) in clause (i), by striking “(6)” and
3 inserting “(8)”; and

4 (ii) in clause (vi), by striking “(m)”
5 and inserting “(o)”; and

6 (D) by adding at the end the following:

7 “(5) The University, for purposes of the elementary
8 and secondary education programs carried out at the Clerc
9 Center, shall—

10 “(A)(i) select challenging academic content
11 standards, challenging student academic achieve-
12 ment standards, and academic assessments of a
13 State, adopted and implemented, as appropriate,
14 pursuant to paragraphs (1) and (3) of section
15 1111(b) of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6311(b)(1) and (3))
17 and approved by the Secretary; and

18 “(ii) implement such standards and assess-
19 ments for such programs by not later than the be-
20 ginning of the 2009–2010 academic year;

21 “(B) annually determine whether such pro-
22 grams at the Clerc Center are making adequate
23 yearly progress, as determined according to the defi-
24 nition of adequate yearly progress defined (pursuant
25 to section 1111(b)(2)(C) of such Act (20 U.S.C.

1 6311(b)(2)(C))) by the State that has adopted and
2 implemented the standards and assessments selected
3 under subparagraph (A)(i); and

4 “(C) publicly report the results of the academic
5 assessments implemented under subparagraph (A),
6 except where such reporting would not yield statis-
7 tically reliable information or would reveal personally
8 identifiable information about an individual student,
9 and whether the programs at the Clerc Center are
10 making adequate yearly progress, as determined
11 under subparagraph (B).”.

12 **SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

13 Section 105(b)(4) of the Education of the Deaf Act
14 of 1986 (20 U.S.C. 4305(b)(4)) is amended—

15 (1) by striking “the Act of March 3, 1931 (40
16 U.S.C. 276a–276a–5) commonly referred to as the
17 Davis-Bacon Act” and inserting “subchapter IV of
18 chapter 31 of title 40, United States Code, com-
19 monly referred to as the Davis-Bacon Act”; and

20 (2) by striking “section 2 of the Act of June
21 13, 1934 (40 U.S.C. 276c)” and inserting “section
22 3145 of title 40, United States Code”.

1 **SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL IN-**
2 **STITUTE FOR THE DEAF.**

3 Section 112 of the Education of the Deaf Act of 1986
4 (20 U.S.C. 4332) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking the sec-
7 ond sentence;

8 (B) by redesignating paragraph (2) as
9 paragraph (3); and

10 (C) by inserting after paragraph (1) the
11 following:

12 “(2) If, pursuant to the agreement established under
13 paragraph (1), either the Secretary or the institution of
14 higher education terminates the agreement, the Secretary
15 shall consider proposals from other institutions of higher
16 education and enter into an agreement with one of those
17 institutions for the establishment and operation of a Na-
18 tional Technical Institute for the Deaf.”; and

19 (2) in subsection (b)—

20 (A) in paragraph (3), by striking “Com-
21 mittee on Labor and Human Resources of the
22 Senate” and inserting “Committee on Health,
23 Education, Labor, and Pensions of the Senate”;
24 and

25 (B) in paragraph (5)—

(i) by striking “the Act of March 3, 1931 (40 U.S.C. 276a—276a-5) commonly referred to as the Davis-Bacon Act” and inserting “subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act”; and

(ii) by striking “section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)” and inserting “section 3145 of title 40, United States Code”.

SEC. 904. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “sections” and all that follows through the period and inserting “sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.”; and

(B) in paragraph (3), by inserting “and the Committee on Education and Labor of the House of Representatives and the Committee

1 on Health, Education, Labor, and Pensions of
2 the Senate” after “Secretary”; and

3 (2) in subsection (c)(2)(A), by striking “Com-
4 mittee on Labor and Human Resources of the Sen-
5 ate” and inserting “Committee on Health, Edu-
6 cation, Labor, and Pensions of the Senate”.

7 **SEC. 905. REPORTS.**

8 Section 204 of the Education of the Deaf Act of 1986
9 (20 U.S.C. 4354) is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “Committee on Labor and Human Re-
12 sources of the Senate” and inserting “Committee on
13 Health, Education, Labor, and Pensions of the Sen-
14 ate”;

15 (2) in paragraph (1), by striking “pre-
16 paratory,”;

17 (3) in paragraph (2)(C), by striking “upon
18 graduation/completion” and inserting “on the date
19 that is 1 year after the date of graduation or com-
20 pletion”; and

21 (4) in paragraph (3)(B), by striking “of the in-
22 stitution of higher education” and all that follows
23 through “section 203” and inserting “of NTID pro-
24 grams and activities”.

1 **SEC. 906. MONITORING, EVALUATION, AND REPORTING.**

2 Section 205 of the Education of the Deaf Act of 1986
3 (20 U.S.C. 4355) is amended—

4 (1) in the first sentence of subsection (a), by
5 striking “preparatory,”;

6 (2) in subsection (b), by striking “The Sec-
7 retary, as part of the annual report required under
8 section 426 of the Department of Education Organi-
9 zation Act, shall include a description of” and in-
10 serting “The Secretary shall annually transmit infor-
11 mation to Congress on”; and

12 (3) in subsection (c), by striking “fiscal years
13 1998 through 2003” and inserting “fiscal years
14 2008 through 2013”.

15 **SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.**

16 Section 206(a) of the Education of the Deaf Act of
17 1986 (20 U.S.C. 4356(a)) is amended by striking “Not
18 later than 30 days after the date of enactment of this Act,
19 the” and inserting “The”.

20 **SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**
21 **LAUDET UNIVERSITY AND THE NATIONAL**
22 **TECHNICAL INSTITUTE FOR THE DEAF.**

23 Section 207(h) of the Education of the Deaf Act of
24 1986 (20 U.S.C. 4357(h)) is amended by striking “fiscal
25 years 1998 through 2003” each place it appears and in-
26 serting “fiscal years 2008 through 2013”.

1 **SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.**

2 Section 208(a) of the Education of the Deaf Act of
3 1986 (20 U.S.C. 4359(a)) is amended by striking “Com-
4 mittee on Labor and Human Resources of the Senate and
5 the Committee on Education and the Workforce of the
6 House of Representatives” and inserting “Committee on
7 Education and Labor of the House of Representatives and
8 the Committee on Health, Education, Labor, and Pen-
9 sions of the Senate”.

10 **SEC. 910. INTERNATIONAL STUDENTS.**

11 Section 209 of the Education of the Deaf Act of 1986
12 (20 U.S.C. 4359a) is amended—

13 (1) in subsection (a)—

14 (A) by striking “preparatory, under-
15 graduate,” and inserting “undergraduate”;

16 (B) by striking “Effective with” and in-
17 serting the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), effective with”; and

20 (C) by adding at the end the following:

21 “(2) DISTANCE LEARNING.—International stu-
22 dents who participate in distance learning courses
23 that are at the University or the NTID, who are re-
24 siding outside of the United States, and are not en-
25 rolled in a degree program at the University or the
26 NTID shall—

1 “(A) not be counted as international stu-
2 dents for purposes of the cap on international
3 students under paragraph (1), except that in
4 any school year no United States citizen who
5 applies to participate in distance learning
6 courses that are at the University or NTID
7 shall be denied participation in such courses be-
8 cause of the participation of an international
9 student in such courses; and

10 “(B) not be charged a tuition surcharge,
11 as described in subsection (b).”; and

12 (2) by striking subsections (b), (c), and (d), and
13 inserting the following:

14 “(b) TUITION SURCHARGE.—Except as provided in
15 subsections (a)(2)(B) and (c), the tuition for postsec-
16 ondary international students enrolled in the University
17 (including undergraduate and graduate students) or
18 NTID shall include, for academic year 2008–2009 and
19 any succeeding academic year, a surcharge of—

20 “(1) 100 percent for a postsecondary inter-
21 national student from a non-developing country; and

22 “(2) 50 percent for a postsecondary inter-
23 national student from a developing country, or a
24 country that was a developing country for any aca-
25 demic year during the student’s period of uninter-

1 rupted enrollment in a degree program at the Uni-
2 versity or NTID, except that such a surcharge shall
3 not be adjusted retroactively.

4 “(c) REDUCTION OF SURCHARGE.—

5 “(1) IN GENERAL.—Beginning with the aca-
6 demic year 2008–2009, the University or NTID may
7 reduce the surcharge—

8 “(A) under subsection (b)(1) from 100
9 percent to not less than 50 percent if—

10 “(i) a student described under sub-
11 section (b)(1) demonstrates need; and

12 “(ii) such student has made a good-
13 faith effort to secure aid through such stu-
14 dent’s government or other sources; and

15 “(B) under subsection (b)(2) from 50 per-
16 cent to not less than 25 percent if—

17 “(i) a student described under sub-
18 section (b)(2) demonstrates need; and

19 “(ii) such student has made a good
20 faith effort to secure aid through such stu-
21 dent’s government or other sources.

22 “(2) DEVELOPMENT OF SLIDING SCALE.—The
23 University and NTID shall develop a sliding scale
24 model that—

1 “(A) will be used to determine the amount
2 of a tuition surcharge reduction pursuant to
3 paragraph (1); and

4 “(B) shall be approved by the Secretary.

5 “(d) DEFINITION.—In this section, the term ‘devel-
6 oping country’ means a country with a per-capita income
7 of not more than \$5,345, measured in 2005 United States
8 dollars, as adjusted by the Secretary to reflect inflation
9 since 2005.’”.

10 **SEC. 911. RESEARCH PRIORITIES.**

11 Section 210(b) of the Education of the Deaf Act of
12 1986 (20 U.S.C. 4359b(b)) is amended by striking “Com-
13 mittee on Education and the Workforce of the House of
14 Representatives, and the Committee on Labor and Human
15 Resources of the Senate” and inserting “Committee on
16 Education and Labor of the House of Representatives,
17 and the Committee on Health, Education, Labor, and
18 Pensions of the Senate”.

19 **SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE**
20 **DEAF.**

21 (a) CONDUCT OF STUDY.—Subsection (a)(1) of sec-
22 tion 211 of the Education of the Deaf Act of 1986 (20
23 U.S.C. 4360) is amended by inserting after “The Sec-
24 retary shall” the following: “establish a commission on the

1 education of the deaf (in this section referred to as the
2 ‘commission’) to”.

3 (b) PUBLIC INPUT AND CONSULTATION.—Subsection
4 (b) of such section is amended by striking “Secretary”
5 each place it appears and inserting “commission”.

6 (c) REPORT.—Subsection (c) of such section is
7 amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “Secretary” and all that follows through
10 “1998” and inserting “commission shall report to
11 the Secretary and Congress not later than 18
12 months after the date of the enactment of the Col-
13 lege Opportunity and Affordability Act of 2008”;
14 and

15 (2) in paragraph (1)—

16 (A) by striking “recommendations,” and
17 inserting “recommendations relating to edu-
18 cated-related factors that contribute to success-
19 ful postsecondary education experiences and
20 employment for individuals who are deaf,”; and

21 (B) by striking “Secretary” and inserting
22 “commission”.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Sub-
24 section (d) of such section is amended by striking
25 “\$1,000,000 for each of the fiscal years 1999 and 2000”

1 and inserting “such sums as may be necessary for each
2 of the fiscal years 2008 and 2009”.

3 **SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 212 of the Education of the Deaf Act of 1986
5 (20 U.S.C. 4360a) is amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by striking “fiscal years 1998
8 through 2003” and inserting “fiscal years 2008
9 through 2013”; and

10 (2) in subsection (b), by striking “fiscal years
11 1998 through 2003” and inserting “fiscal years
12 2008 through 2013”.

13 **PART B—INDIAN EDUCATION**

14 **Subpart 1—Tribal Colleges and Universities**

15 **SEC. 921. REAUTHORIZATION OF THE TRIBALLY CON-**
16 **TROLLED COLLEGE OR UNIVERSITY ASSIST-**
17 **ANCE ACT OF 1978.**

18 (a) CLARIFICATION OF THE DEFINITION OF NA-
19 TIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the
20 Tribally Controlled College or University Assistance Act
21 of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking
22 “in the field of Indian education” and inserting “in the
23 fields of tribally controlled colleges and universities and
24 Indian higher education”.

1 (b) INDIAN STUDENT COUNT.—Section 2(a) of the
2 Tribally Controlled College or University Assistance Act
3 of 1978 (25 U.S.C. 1801(a)) is amended—

4 (1) by redesignating paragraphs (7) and (8) as
5 paragraphs (8) and (9), respectively; and

6 (2) by inserting after paragraph (6) the fol-
7 lowing:

8 “(7) ‘Indian student’ means a student who is—

9 “(A) a member of an Indian tribe; or

10 “(B) a biological child of a member of an
11 Indian tribe, living or deceased;”.

12 (c) CONTINUING EDUCATION.—Section 2(b) of the
13 Tribally Controlled College or University Assistance Act
14 of 1978 (25 U.S.C. 1801(b)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “paragraph (7) of subsection (a)” and in-
17 serting “subsection (a)(8)”;

18 (2) by striking paragraph (5) and inserting the
19 following:

20 “(5) DETERMINATION OF CREDITS.—Eligible
21 credits earned in a continuing education program—

22 “(A) shall be determined as 1 credit for
23 every 10 contact hours in the case of an institu-
24 tion on a quarter system, or 15 contact hours
25 in the case of an institution on a semester sys-

tem, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

“(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.”; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (3), the following:

“(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

1 “(B) according to such an agency or associa-
 2 tion, is making reasonable progress toward accredi-
 3 tation.”.

4 (e) TECHNICAL ASSISTANCE CONTRACTS.—Section
 5 105 of the Tribally Controlled College or University As-
 6 sistance Act of 1978 (25 U.S.C. 1805) is amended—

7 (1) by striking the section designation and
 8 heading and all that follows through “The Secretary
 9 shall” and inserting the following:

10 **“SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.**

11 “(a) TECHNICAL ASSISTANCE.—

12 “(1) IN GENERAL.—The Secretary shall”;

13 (2) in the second sentence, by striking “In the
 14 awarding of contracts for technical assistance, pref-
 15 erence shall be given” and inserting the following:

16 “(2) DESIGNATED ORGANIZATION.—The Sec-
 17 retary shall require that a contract for technical as-
 18 sistance under paragraph (1) shall be awarded”; and

19 (3) in the third sentence, by striking “No au-
 20 thority” and inserting the following:

21 “(b) EFFECT OF SECTION.—No authority”.

22 (f) AMOUNT OF GRANTS.—Section 108(a) of the
 23 Tribally Controlled College or University Assistance Act
 24 of 1978 (25 U.S.C. 1808(a)) is amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing the subparagraphs appropriately;

4 (2) by striking “(a) Except as provided in sec-
5 tion 111,” and inserting the following:

6 “(a) REQUIREMENT.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2) and section 111,”;

9 (3) in paragraph (1) (as redesignated by para-
10 graphs (1) and (2))—

11 (A) in the matter preceding subparagraph

12 (A) (as redesignated by paragraph (1))—

13 (i) by striking “him” and inserting

14 “the Secretary”; and

15 (ii) by striking “product of” and in-

16 serting “product obtained by multiplying”;

17 (B) in subparagraph (A) (as redesignated

18 by paragraph (1)), by striking “section 2(a)(7)”

19 and inserting “section 2(a)(8)”; and

20 (C) in subparagraph (B) (as redesignated

21 by paragraph (1)), by striking “\$6,000,” and

22 inserting “\$8,000, as adjusted annually for in-

23 flation.”; and

24 (4) by striking “except that no grant shall ex-

25 ceed the total cost of the education program pro-

1 vided by such college or university.” and inserting
2 the following:

3 “(2) EXCEPTION.—The amount of a grant
4 under paragraph (1) shall not exceed an amount
5 equal to the total cost of the education program pro-
6 vided by the applicable tribally controlled college or
7 university.”.

8 (g) GENERAL PROVISIONS REAUTHORIZATION.—Sec-
9 tion 110(a) of the Tribally Controlled College or Univer-
10 sity Assistance Act of 1978 (25 U.S.C. 1810(a)) is amend-
11 ed—

12 (1) in paragraphs (1), (2), (3), and (4), by
13 striking “1999” and inserting “2008”;

14 (2) in paragraphs (1), (2), and (3), by striking
15 “4 succeeding” and inserting “5 succeeding”;

16 (3) in paragraph (2), by striking
17 “\$40,000,000” and inserting “such sums as may be
18 necessary”;

19 (4) in paragraph (3), by striking
20 “\$10,000,000” and inserting “such sums as may be
21 necessary”; and

22 (5) in paragraph (4), by striking “succeeding
23 4” and inserting “5 succeeding”.

24 (h) ENDOWMENT PROGRAM REAUTHORIZATION.—
25 Section 306(a) of the Tribally Controlled College or Uni-

1 versity Assistance Act of 1978 (25 U.S.C. 1836(a)) is
2 amended—

3 (1) by striking “1999” and inserting “2008”;
4 and

5 (2) by striking “4 succeeding” and inserting “5
6 succeeding”.

7 (i) TRIBAL ECONOMIC DEVELOPMENT REAUTHOR-
8 IZATION.—Section 403 of the Tribal Economic Develop-
9 ment and Technology Related Education Assistance Act
10 of 1990 (25 U.S.C. 1852) is amended—

11 (1) by striking “\$2,000,000 for fiscal year
12 1999” and inserting “such sums as may be nec-
13 essary for fiscal year 2008”; and

14 (2) by striking “4 succeeding” and inserting “5
15 succeeding”.

16 (j) TRIBALLY CONTROLLED POSTSECONDARY CA-
17 REER AND TECHNICAL INSTITUTIONS.—

18 (1) IN GENERAL.—The Tribally Controlled Col-
19 lege or University Assistance Act of 1978 (25 U.S.C.
20 1801 et seq.) is amended by adding at the end the
21 following:

1 **“TITLE V—TRIBALLY CON-**
2 **TROLLED POSTSECONDARY**
3 **CAREER AND TECHNICAL IN-**
4 **STITUTIONS**

5 **“SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POST-**
6 **SECONDARY CAREER AND TECHNICAL INSTI-**
7 **TUTION.**

8 “In this title, the term ‘tribally controlled postsec-
9 ondary career and technical institution’ has the meaning
10 given the term in section 3 of the Carl D. Perkins Career
11 and Technical Education Act of 2006 (20 U.S.C. 2302).

12 **“SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CA-**
13 **REER AND TECHNICAL INSTITUTIONS PRO-**
14 **GRAM.**

15 “(a) IN GENERAL.—Subject to the availability of ap-
16 propriations, for fiscal year 2008 and each fiscal year
17 thereafter, the Secretary shall—

18 “(1) subject to subsection (b), select 2 tribally
19 controlled postsecondary career and technical insti-
20 tutions to receive assistance under this title; and

21 “(2) provide funding to the selected tribally
22 controlled postsecondary career and technical insti-
23 tutions to pay the costs (including institutional sup-
24 port costs) of operating postsecondary career and
25 technical education programs for Indian students at

1 the tribally controlled postsecondary career and tech-
2 nical institutions.

3 “(b) SELECTION OF CERTAIN INSTITUTIONS.—

4 “(1) REQUIREMENT.—For each fiscal year dur-
5 ing which the Secretary determines that a tribally
6 controlled postsecondary career and technical insti-
7 tution described in paragraph (2) meets the defini-
8 tion referred to in section 501, the Secretary shall
9 select that tribally controlled postsecondary career
10 and technical institution under subsection (a)(1) to
11 receive funding under this section.

12 “(2) INSTITUTIONS.—The 2 tribally controlled
13 postsecondary career and technical institutions re-
14 ferred to in paragraph (1) are—

15 “(A) the United Tribes Technical College;

16 and

17 “(B) the Navajo Technical College.

18 “(c) METHOD OF PAYMENT.—For each applicable
19 fiscal year, the Secretary shall provide funding under this
20 section to each tribally controlled postsecondary career
21 and technical institution selected for the fiscal year under
22 subsection (a)(1) in a lump sum payment for the fiscal
23 year.

24 “(d) DISTRIBUTION.—

1 “(1) IN GENERAL.—For fiscal year 2009 and
2 each fiscal year thereafter, of amounts made avail-
3 able pursuant to section 504, the Secretary shall dis-
4 tribute to each tribally controlled postsecondary ca-
5 reer and technical institution selected for the fiscal
6 year under subsection (a)(1) an amount equal to the
7 greater of—

8 “(A) the total amount appropriated for the
9 tribally controlled postsecondary career and
10 technical institution for fiscal year 2006; or

11 “(B) the total amount appropriated for the
12 tribally controlled postsecondary career and
13 technical institution for fiscal year 2008.

14 “(2) EXCESS AMOUNTS.—If, for any fiscal year,
15 the amount made available pursuant to section 504
16 exceeds the sum of the amounts required to be dis-
17 tributed under paragraph (1) to the tribally con-
18 trolled postsecondary career and technical institu-
19 tions selected for the fiscal year under subsection
20 (a)(1), the Secretary shall distribute to each tribally
21 controlled postsecondary career and technical insti-
22 tution selected for that fiscal year a portion of the
23 excess amount, to be determined by—

24 “(A) dividing the excess amount by the ag-
25 gregate Indian student count (as defined in sec-

1 tion 117(h) of the Carl D. Perkins Career and
2 Technical Education Act of 2006 (20 U.S.C.
3 2327(h))) of such institutions for the prior aca-
4 demic year; and

5 “(B) multiplying the quotient described in
6 subparagraph (A) by the Indian student count
7 of each such institution for the prior academic
8 year.

9 **“SEC. 503. APPLICABILITY OF OTHER LAWS.**

10 “(a) IN GENERAL.—Paragraphs (4) and (7) of sub-
11 section (a), and subsection (b), of section 2, sections 105,
12 108, 111, 112 and 113, and titles II, III, and IV shall
13 not apply to this title.

14 “(b) INDIAN SELF-DETERMINATION AND EDU-
15 CATION ASSISTANCE.—Funds made available pursuant to
16 this title shall be subject to the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C. 450 et seq.).

18 “(c) ELECTION TO RECEIVE.—A tribally controlled
19 postsecondary career and technical institution selected for
20 a fiscal year under section 502(b) may elect to receive
21 funds pursuant to section 502 in accordance with an
22 agreement between the tribally controlled postsecondary
23 career and technical institution and the Secretary under
24 the Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 450 et seq.) if the agreement is in exist-

1 ence on the date of enactment of the College Opportunity
2 and Affordability Act of 2008.

3 “(d) OTHER ASSISTANCE.—Eligibility for, or receipt
4 of, assistance under this title shall not preclude the eligi-
5 bility of a tribally controlled postsecondary career and
6 technical institutions to receive Federal financial assist-
7 ance under—

8 “(1) any program under the Higher Education
9 Act of 1965 (20 U.S.C. 1001 et seq.);

10 “(2) any program under the Carl D. Perkins
11 Career and Technical Education Act of 2006; or

12 “(3) any other applicable program under which
13 a benefit is provided for—

14 “(A) institutions of higher education;

15 “(B) community colleges; or

16 “(C) postsecondary educational institu-
17 tions.

18 **“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated such sums
20 as are necessary for fiscal year 2008 and each fiscal year
21 thereafter to carry out this title.”.

22 (2) CONFORMING AMENDMENTS.—Section 117
23 of the Carl D. Perkins Career and Technical Edu-
24 cation Act of 2006 (20 U.S.C. 2327) is amended—

1 (A) by striking subsection (a) and insert-
2 ing the following:

3 “(a) GRANT PROGRAM.—Subject to the availability of
4 appropriations, the Secretary shall make grants under this
5 section, to provide basic support for the education and
6 training of Indian students, to tribally controlled postsec-
7 ondary career and technical institutions that are not re-
8 ceiving Federal assistance as of the date on which the
9 grant is provided under—

10 “(1) title I of the Tribally Controlled College or
11 University Assistance Act of 1978 (25 U.S.C. 1802
12 et seq.); or

13 “(2) the Navajo Community College Act (25
14 U.S.C. 640a et seq.).”; and

15 (B) by striking subsection (d) and insert-
16 ing the following:

17 “(d) APPLICATIONS.—To be eligible to receive a
18 grant under this section, a tribally controlled postsec-
19 ondary career and technical institution that is not receiv-
20 ing Federal assistance under title I of the Tribally Con-
21 trolled College or University Assistance Act (25 U.S.C.
22 1802 et seq.) or the Navajo Community College Act (25
23 U.S.C. 640a et seq.) shall submit to the Secretary an ap-
24 plication at such time, in such manner, and containing
25 such information as the Secretary may require.”.

1 (k) SHORT TITLE.—

2 (1) IN GENERAL.—The first section of the Trib-
 3 ally Controlled College or University Assistance Act
 4 of 1978 (25 U.S.C. 1801 note; Public Law 95–471)
 5 is amended to read as follows:

6 **“SEC. 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Tribally Controlled
 8 Colleges and Universities Assistance Act of 1978’.”.

9 (2) REFERENCES.—Any reference in law (in-
 10 cluding regulations) to the Tribally Controlled Col-
 11 lege or University Assistance Act of 1978 shall be
 12 considered to be a reference to the “Tribally Con-
 13 trolled Colleges and Universities Assistance Act of
 14 1978”.

15 **Subpart 2—Navajo Higher Education**

16 **SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COL-**
 17 **LEGE ACT.**

18 (a) PURPOSE.—Section 2 of the Navajo Community
 19 College Act (25 U.S.C. 640a) is amended—

20 (1) by striking “Navajo Tribe of Indians” and
 21 inserting “Navajo Nation”; and

22 (2) by striking “the Navajo Community Col-
 23 lege” and inserting “Diné College”.

24 (b) GRANTS.—Section 3 of the Navajo Community
 25 College Act (25 U.S.C. 640b) is amended—

1 (1) in the first sentence—

2 (A) by inserting “the” before “Interior”;

3 (B) by striking “Navajo Tribe of Indians”

4 and inserting “Navajo Nation”; and

5 (C) by striking “the Navajo Community

6 College” and inserting “Diné College”; and

7 (2) in the second sentence—

8 (A) by striking “Navajo Tribe” and insert-

9 ing “Navajo Nation”; and

10 (B) by striking “Navajo Indians” and in-

11 serting “Navajo people”.

12 (c) STUDY OF FACILITIES NEEDS.—Section 4 of the

13 Navajo Community College Act (25 U.S.C. 640c) is

14 amended—

15 (1) in subsection (a)—

16 (A) in the first sentence—

17 (i) by striking “the Navajo Commu-

18 nity College” and inserting “Diné College”;

19 and

20 (ii) by striking “August 1, 1979” and

21 inserting “October 31, 2010”; and

22 (B) in the second sentence, by striking

23 “Navajo Tribe” and inserting “Navajo Nation”;

24 (2) in subsection (b), by striking “the date of

25 enactment of the Tribally Controlled Community

1 College Assistance Act of 1978” and inserting “Oc-
2 tober 1, 2007”; and

3 (3) in subsection (c), in the first sentence, by
4 striking “the Navajo Community College” and in-
5 serting “Diné College”.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
7 5 of the Navajo Community College Act (25 U.S.C. 640c-
8 1) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1), by striking
11 “\$2,000,000” and all that follows through the
12 end of the paragraph and inserting “such sums
13 as are necessary for fiscal years 2008 through
14 2013.”; and

15 (B) by adding at the end the following:

16 “(3) Sums described in paragraph (2) shall be used
17 to provide grants for construction activities, including the
18 construction of buildings, water and sewer facilities, roads,
19 information technology and telecommunications infra-
20 structure, classrooms, and external structures (such as
21 walkways).”;

22 (2) in subsection (b)(1)—

23 (A) in the matter preceding subparagraph

24 (A)—

1 (i) by striking “the Navajo Commu-
2 nity College” and inserting “Diné College”;
3 and

4 (ii) by striking “, for each fiscal year”
5 and all that follows through “for—” and
6 inserting “such sums as are necessary for
7 fiscal years 2008 through 2013 to pay the
8 cost of—”;

9 (B) in subparagraph (A)—

10 (i) by striking “college” and inserting
11 “College”;

12 (ii) in clauses (i) and (iii), by striking
13 the commas at the end of the clauses and
14 inserting semicolons; and

15 (iii) in clause (ii), by striking “, and”
16 at the end and inserting “; and”;

17 (C) in subparagraph (B), by striking the
18 comma at the end and inserting a semicolon;

19 (D) in subparagraph (C), by striking “,
20 and” at the end and inserting a semicolon;

21 (E) in subparagraph (D), by striking the
22 period at the end and inserting “; and”; and

23 (F) by adding at the end the following:

1 “(E) improving and expanding the College,
2 including by providing, for the Navajo people
3 and others in the community of the College—

4 “(i) higher education programs;

5 “(ii) career and technical education;

6 “(iii) activities relating to the preser-
7 vation and protection of the Navajo lan-
8 guage, philosophy, and culture;

9 “(iv) employment and training oppor-
10 tunities;

11 “(v) economic development and com-
12 munity outreach; and

13 “(vi) a safe learning, working, and liv-
14 ing environment.”; and

15 (3) in subsection (c), by striking “the Navajo
16 Community College” and inserting “Diné College”.

17 (e) EFFECT ON OTHER LAWS.—Section 6 of the
18 Navajo Community College Act (25 U.S.C. 640c–2) is
19 amended—

20 (1) by striking “the Navajo Community Col-
21 lege” each place it appears and inserting “Diné Col-
22 lege”; and

23 (2) in subsection (b), by striking “college” and
24 inserting “College”.

1 (f) PAYMENTS; INTEREST.—Section 7 of the Navajo
 2 Community College Act (25 U.S.C. 640c–3) is amended
 3 by striking “the Navajo Community College” each place
 4 it appears and inserting “Diné College”.

5 **PART C—HIGHER EDUCATION AMENDMENTS OF**
 6 **1998; HIGHER EDUCATION AMENDMENTS OF 1992**
 7 **SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED IN-**
 8 **DIVIDUALS.**

9 Part D of title VIII of the Higher Education Amend-
 10 ments of 1998 (20 U.S.C. 1151) is amended to read as
 11 follows:

12 **“PART D—GRANTS FOR TRAINING FOR**
 13 **INCARCERATED INDIVIDUALS**
 14 **“SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COM-**
 15 **MUNITY TRANSITION TRAINING FOR INCAR-**
 16 **CERATED INDIVIDUALS.**

17 “(a) DEFINITION.—In this section:

18 “(1) INCARCERATED INDIVIDUAL.—The term
 19 ‘incarcerated individual’ means a male or female of-
 20 fender who is incarcerated in a State prison, includ-
 21 ing a prerelease facility.

22 “(2) SECRETARY.—The term ‘Secretary’ means
 23 the Secretary of Education.

24 “(b) GRANT PROGRAM.—The Secretary—

1 “(1) shall establish a program in accordance
2 with this section to provide grants to the State cor-
3 rectional education agencies in the States to assist
4 and encourage incarcerated individuals to acquire
5 educational and job skills, through—

6 “(A) coursework to prepare students to
7 take college-level courses, such as remedial
8 math and English for postsecondary prepara-
9 tion;

10 “(B) the pursuit of a postsecondary edu-
11 cation certificate, or an associate or bachelor’s
12 degree, provided by a regionally or nationally
13 accredited body while in prison; and

14 “(C) employment counseling and other re-
15 lated services which start during incarceration
16 and end not later than 1 year after release from
17 confinement; and

18 “(2) may establish such performance objectives
19 and reporting requirements for State correctional
20 education agencies receiving grants under this sec-
21 tion as the Secretary determines are necessary to as-
22 sess the effectiveness of the program under this sec-
23 tion.

24 “(c) APPLICATION.—To be eligible for a grant under
25 this section, a State correctional education agency shall

1 submit to the Secretary a proposal for an incarcerated in-
2 dividual program that—

3 “(1) identifies the scope of the problem, includ-
4 ing the number of incarcerated individuals in need
5 of postsecondary education and vocational training;

6 “(2) lists the accredited public or private edu-
7 cational institution or institutions with campuses es-
8 tablished outside the prison facility that will provide
9 postsecondary preparatory or postsecondary edu-
10 cational services;

11 “(3) lists the cooperating agencies, public and
12 private, or businesses that will provide related serv-
13 ices, such as counseling in the areas of career devel-
14 opment, substance abuse, health, and parenting
15 skills;

16 “(4) describes specific performance objectives
17 and evaluation methods (in addition to, and con-
18 sistent with, any objectives established by the Sec-
19 retary under subsection (b)(2)) that the State cor-
20 rectional education agency will use in carrying out
21 its proposal, including—

22 “(A) specific and quantified student out-
23 come measures that are referenced to outcomes
24 for non-program participants with similar de-
25 mographic characteristics; and

1 “(B) measures, consistent with the data
2 elements and definitions described in subsection
3 (d)(1)(A), of—

4 “(i) program completion, including an
5 explicit definition of what constitutes a
6 program completion within the proposal;

7 “(ii) knowledge and skill attainment,
8 including specification of instruments that
9 will measure knowledge and skill attain-
10 ment;

11 “(iii) attainment of employment both
12 prior to and subsequent to release;

13 “(iv) success in employment indicated
14 by job retention and advancement; and

15 “(v) recidivism, including such sub-
16 indicators as time before subsequent of-
17 fense and severity of offense;

18 “(5) describes how the proposed programs are
19 to be integrated with existing State correctional edu-
20 cation programs (such as adult education, graduate
21 education degree programs, and vocational training)
22 and State prison industry programs; and

23 “(6) describes how the proposed programs will
24 have considered or will utilize technology to deliver
25 the services under this section.

1 “(d) PROGRAM REQUIREMENTS.—Each State correc-
2 tional education agency receiving a grant under this sec-
3 tion shall—

4 “(1) annually report to the Secretary regard-
5 ing—

6 “(A) the results of the evaluations con-
7 ducted using data elements and definitions pro-
8 vided by the Secretary for the use of State cor-
9 rectional education programs;

10 “(B) any objectives or requirements estab-
11 lished by the Secretary pursuant to subsection
12 (b)(2);

13 “(C) the additional performance objectives
14 and evaluation methods contained in the pro-
15 posal described in subsection (c)(4) as nec-
16 essary to document the attainment of project
17 performance objectives; and

18 “(D) how the funds provided under this
19 section are being allocated among postsec-
20 ondary preparatory education, postsecondary
21 academic, and vocational education programs;
22 and

23 “(2) provide to each State for each student eli-
24 gible under subsection (e) not more than—

1 “(A) \$3,000 annually for tuition, books,
2 and essential materials; and

3 “(B) \$300 annually for related services
4 such as career development, substance abuse
5 counseling, parenting skills training, and health
6 education.

7 “(e) EDUCATION DELIVERY SYSTEMS.—State correc-
8 tional education agencies and cooperating institutions
9 shall, to the extent practicable, use high-tech applications
10 in developing programs to meet the requirements and
11 goals of this section.

12 “(f) LENGTH OF PARTICIPATION.—Services carried
13 out with a grant under this section shall be available to
14 incarcerated individuals as follows:

15 “(1) Educational services shall start during the
16 period of incarceration or prerelease and shall end
17 upon release.

18 “(2) Related services shall start during the pe-
19 riod of incarceration or prerelease and may continue
20 for not more than one year after release.

21 “(g) ALLOCATION OF FUNDS.—From the funds ap-
22 propriated pursuant to subsection (h) for each fiscal year,
23 the Secretary shall allot to each State an amount that
24 bears the same ratio to such funds as the total number

1 of incarcerated individuals in such State bears to the total
2 number of such incarcerated individuals in all States.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 such sums as may be necessary for fiscal year 2009 and
6 each of the 4 succeeding fiscal years.”.

7 **SEC. 942. UNDERGROUND RAILROAD.**

8 Section 841(c) of the Higher Education Amendments
9 of 1998 (20 U.S.C. 1153(c)) is amended by striking “this
10 section” and all that follows through the period at the end
11 and inserting “this section \$3,000,000 for fiscal years
12 2009 and the 4 succeeding fiscal years.”.

13 **SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVI-**
14 **SIONS.**

15 The following provisions of the Higher Education
16 Amendments of 1998 are repealed:

17 (1) STUDY OF MARKET MECHANISMS IN FED-
18 ERAL STUDENT LOAN PROGRAMS.—Section 801 (20
19 U.S.C. 1018 note).

20 (2) STUDY OF FEASIBILITY OF ALTERNATE FI-
21 NANCIAL INSTRUMENTS FOR DETERMINING LENDER
22 YIELDS.—Section 802.

23 (3) STUDENT RELATED DEBT STUDY.—Section
24 803 (20 U.S.C. 1015 note).

1 (4) COMMUNITY SCHOLARSHIP MOBILIZA-
2 TION.—Part C of title VIII (20 U.S.C. 1070 note).

3 (5) IMPROVING UNITED STATES UNDER-
4 STANDING OF SCIENCE, ENGINEERING, AND TECH-
5 NOLOGY IN EAST ASIA.—Part F of title VIII (42
6 U.S.C. 1862 note).

7 (6) WEB-BASED EDUCATION COMMISSION.—
8 Part J of title VIII.

9 **SEC. 944. OLYMPIC SCHOLARSHIPS.**

10 Section 1543(d) of the Higher Education Amend-
11 ments of 1992 (20 U.S.C. 1070 note) is amended by strik-
12 ing “1999” and inserting “2009”.

13 **SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR**
14 **INTERNATIONAL AND FOREIGN LANGUAGE**
15 **EDUCATION.**

16 (a) IN GENERAL.—Section 202 of the Department of
17 Education Organization Act (20 U.S.C. 3412) is amended
18 in subsection (b)(1)—

19 (1) in subparagraph (E) by striking “and” at
20 the end;

21 (2) by redesignating subparagraph (F) as sub-
22 paragraph (G); and

23 (3) by inserting after subparagraph (E) the fol-
24 lowing:

1 “(F) an Assistant Secretary for International
2 and Foreign Language Education; and”.

3 (b) FUNCTIONS.—Such section is further amended by
4 adding at the end the following:

5 “(j) The Assistant Secretary for International and
6 Foreign Language Education—

7 “(1) shall be an individual with extensive back-
8 ground and experience in international and foreign
9 language education; and

10 “(2) notwithstanding any other provision of
11 law, shall report directly to the Secretary.”.

12 (c) CONFORMING AMENDMENT.—Such section is fur-
13 ther amended in subsection (e)—

14 (1) in paragraph (4), by adding “and” at the
15 end;

16 (2) in paragraph (5), by striking “; and” at the
17 end and inserting a period; and

18 (3) by striking paragraph (6).

19 (d) OFFICE OF INTERNATIONAL AND FOREIGN LAN-
20 GUAGE EDUCATION.—Title II of the Department of Edu-
21 cation Organization Act is amended by inserting after sec-
22 tion 207 (20 U.S.C. 3417) the following:

23 “OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE
24 EDUCATION

25 “SEC. 207A. There shall be in the Department an
26 Office of International and Foreign Language Education,

1 to be administered by the Assistant Secretary for Inter-
2 national and Foreign Language Education appointed
3 under section 202(b). In addition to performing such func-
4 tions affecting international and foreign language edu-
5 cation as the Secretary may prescribe, the Assistant Sec-
6 retary shall—

7 “(1) have responsibility for encouraging and
8 promoting the study of foreign languages and the
9 study of cultures of other countries at the elemen-
10 tary, secondary, and postsecondary levels in the
11 United States;

12 “(2) carry out the administration of all Depart-
13 ment programs on international and foreign lan-
14 guage education and research;

15 “(3) coordinate with related international and
16 foreign language education programs of other Fed-
17 eral departments and agencies; and

18 “(4) administer and coordinate the Department
19 of Education’s activities in international affairs.”.

20 **PART D—JUSTICE DEPARTMENT PROGRAMS**

21 **SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DE-** 22 **FENDERS.**

23 Title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
25 by adding at the end the following:

1 **“PART JJ—LOAN REPAYMENT FOR**
2 **PROSECUTORS AND PUBLIC DEFENDERS**

3 **“SEC. 3111. GRANT AUTHORIZATION.**

4 “(a) PURPOSE.—The purpose of this section is to en-
5 courage qualified individuals to enter and continue em-
6 ployment as prosecutors and public defenders.

7 “(b) DEFINITIONS.—In this section:

8 “(1) PROSECUTOR.—The term ‘prosecutor’
9 means a full-time employee of a State or local agen-
10 cy who—

11 “(A) is continually licensed to practice law;
12 and

13 “(B) prosecutes criminal or juvenile delin-
14 quency cases (or both) at the State or local
15 level, including an employee who supervises,
16 educates, or trains other persons prosecuting
17 such cases.

18 “(2) PUBLIC DEFENDER.—The term ‘public de-
19 fender’ means an attorney who—

20 “(A) is continually licensed to practice law;
21 and

22 “(B) is—

23 “(i) a full-time employee of a State or
24 local agency who provides legal representa-
25 tion to indigent persons in criminal or ju-
26 venile delinquency cases (or both), includ-

1 ing an attorney who supervises, educates,
2 or trains other persons providing such rep-
3 resentation;

4 “(ii) a full-time employee of a non-
5 profit organization operating under a con-
6 tract with a State or unit of local govern-
7 ment, who devotes substantially all of such
8 full-time employment to providing legal
9 representation to indigent persons in crimi-
10 nal or juvenile delinquency cases (or both),
11 including an attorney who supervises, edu-
12 cates, or trains other persons providing
13 such representation; or

14 “(iii) employed as a full-time Federal
15 defender attorney in a defender organiza-
16 tion established pursuant to subsection (g)
17 of section 3006A of title 18, United States
18 Code, that provides legal representation to
19 indigent persons in criminal or juvenile de-
20 linquency cases (or both).

21 “(3) STUDENT LOAN.—The term ‘student loan’
22 means—

23 “(A) a loan made, insured, or guaranteed
24 under part B of title IV of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1071 et seq.);

1 “(B) a loan made under part D or E of
2 title IV of the Higher Education Act of 1965
3 (20 U.S.C. 1087a et seq. and 1087aa et seq.);
4 and

5 “(C) a loan made under section 428C or
6 455(g) of the Higher Education Act of 1965
7 (20 U.S.C. 1078–3 and 1087e(g)) to the extent
8 that such loan was used to repay a Federal Di-
9 rect Stafford Loan, a Federal Direct Unsub-
10 sidized Stafford Loan, or a loan made under
11 section 428 or 428H of such Act.

12 “(c) PROGRAM AUTHORIZED.—The Attorney General
13 shall, subject to the availability of appropriations, estab-
14 lish a program by which the Department of Justice shall
15 assume the obligation to repay a student loan, by direct
16 payments on behalf of a borrower to the holder of such
17 loan, in accordance with subsection (d), for any borrower
18 who—

19 “(1) is employed as a prosecutor or public de-
20 fender; and

21 “(2) is not in default on a loan for which the
22 borrower seeks forgiveness.

23 “(d) TERMS OF LOAN REPAYMENT.—

24 “(1) BORROWER AGREEMENT.—To be eligible
25 to receive repayment benefits under subsection (c),

1 a borrower shall enter into a written agreement with
2 the Attorney General that specifies that—

3 “(A) the borrower will remain employed as
4 a prosecutor or public defender for a required
5 period of service of not less than 3 years, unless
6 involuntarily separated from that employment;

7 “(B) if the borrower is involuntarily sepa-
8 rated from employment on account of mis-
9 conduct, or voluntarily separates from employ-
10 ment, before the end of the period specified in
11 the agreement, the borrower will repay the At-
12 torney General the amount of any benefits re-
13 ceived by such employee under this section; and

14 “(C) if the borrower is required to repay
15 an amount to the Attorney General under sub-
16 paragraph (B) and fails to repay such amount,
17 a sum equal to that amount shall be recoverable
18 by the Federal Government from the employee
19 (or such employee’s estate, if applicable) by
20 such methods as are provided by law for the re-
21 covery of amounts owed to the Federal Govern-
22 ment.

23 “(2) REPAYMENT BY BORROWER.—

24 “(A) IN GENERAL.—Any amount repaid
25 by, or recovered from, an individual or the es-

1 tate of an individual under this subsection shall
2 be credited to the appropriation account from
3 which the amount involved was originally paid.

4 “(B) MERGER.—Any amount credited
5 under subparagraph (A) shall be merged with
6 other sums in such account and shall be avail-
7 able for the same purposes and period, and sub-
8 ject to the same limitations, if any, as the sums
9 with which the amount was merged.

10 “(C) WAIVER.—The Attorney General may
11 waive, in whole or in part, a right of recovery
12 under this subsection if it is shown that recov-
13 ery would be against equity and good conscience
14 or against the public interest.

15 “(3) LIMITATIONS.—

16 “(A) STUDENT LOAN PAYMENT
17 AMOUNT.—Student loan repayments made by
18 the Attorney General under this section shall be
19 made subject to the availability of appropria-
20 tions, and subject to such terms, limitations, or
21 conditions as may be mutually agreed upon by
22 the borrower and the Attorney General in an
23 agreement under paragraph (1), except that the
24 amount paid by the Attorney General under
25 this section shall not exceed—

1 “(i) \$10,000 for any borrower in any
2 calendar year; or

3 “(ii) an aggregate total of \$60,000 in
4 the case of any borrower.

5 “(B) BEGINNING OF PAYMENTS.—Nothing
6 in this section shall authorize the Attorney Gen-
7 eral to pay any amount to reimburse a borrower
8 for any repayments made by such borrower
9 prior to the date on which the Attorney General
10 entered into an agreement with the borrower
11 under this subsection.

12 “(e) ADDITIONAL AGREEMENTS.—

13 “(1) IN GENERAL.—On completion of the re-
14 quired period of service under an agreement under
15 subsection (d), the borrower and the Attorney Gen-
16 eral may, subject to paragraph (2), enter into an ad-
17 ditional agreement in accordance with subsection
18 (d).

19 “(2) TERM.—An agreement entered into under
20 paragraph (1) may require the borrower to remain
21 employed as a prosecutor or public defender for less
22 than 3 years.

23 “(f) AWARD BASIS; PRIORITY.—

1 “(1) AWARD BASIS.—The Attorney General
2 shall provide repayment benefits under this sec-
3 tion—

4 “(A) subject to the availability of appro-
5 priations; and

6 “(B) in accordance with paragraph (2), ex-
7 cept that the Attorney General shall determine
8 a fair allocation of repayment benefits among
9 prosecutors and defenders, and among employ-
10 ing entities nationwide.

11 “(2) PRIORITY.—In providing repayment bene-
12 fits under this section in any fiscal year, the Attor-
13 ney General shall give priority to borrowers—

14 “(A) who, when compared to other eligible
15 borrowers, have the least ability to repay their
16 student loans (considering whether the borrower
17 is the beneficiary of any other student loan re-
18 payment program), as determined by the Attor-
19 ney General; or

20 “(B) who—

21 “(i) received repayment benefits under
22 this section during the preceding fiscal
23 year; and

24 “(ii) have completed less than 3 years
25 of the first required period of service speci-

1 fied for the borrower in an agreement en-
2 tered into under subsection (d).

3 “(g) REGULATIONS.—The Attorney General is au-
4 thorized to issue such regulations as may be necessary to
5 carry out the provisions of this section.

6 “(h) REPORT BY INSPECTOR GENERAL.—Not later
7 than 3 years after the date of the enactment of this sec-
8 tion, the Inspector General of the Department of Justice
9 shall submit to Congress a report on—

10 “(1) the cost of the program authorized under
11 this section; and

12 “(2) the impact of such program on the hiring
13 and retention of prosecutors and public defenders.

14 “(i) GAO STUDY.—Not later than one year after the
15 date of the enactment of this section, the Comptroller
16 General shall conduct a study of, and report to Congress
17 on, the impact that law school accreditation requirements
18 and other factors have on the costs of law school and stu-
19 dent access to law school, including the impact of such
20 requirements on racial and ethnic minorities.

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$25,000,000 for each of the fiscal years 2008 through
24 2013.”.

1 **SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

2 (a) IN GENERAL.—The Attorney General of the
3 United States is authorized to make grants, through the
4 Office of Community Oriented Policing Services, to estab-
5 lish and operate a National Center for Campus Public
6 Safety (referred to in this section as the “Center”). The
7 Center shall—

8 (1) provide quality education and training for
9 campus public safety agencies and the agencies’ col-
10 laborative partners, including campus mental health
11 agencies;

12 (2) foster quality research to strengthen the
13 safety and security of the institutions of higher edu-
14 cation in the United States;

15 (3) serve as a clearinghouse for the identifica-
16 tion and dissemination of information, policies, pro-
17 cedures, and best practices relevant to campus pub-
18 lic safety, including off-campus housing safety, the
19 prevention of violence against persons and property
20 and emergency response and evacuation procedures;

21 (4) develop protocols, in conjunction with the
22 Attorney General, the Secretary of Homeland Secu-
23 rity, the Secretary of Education, State, local, and
24 tribal governments and law enforcement agencies,
25 private and nonprofit organizations and associations,
26 and other stakeholders, to prevent, protect against,

1 respond to, and recover from, natural and man-made
2 emergencies or dangerous situations involving an im-
3 mediate threat to the health or safety of the campus
4 community;

5 (5) promote the development and dissemination
6 of effective behavioral threat assessment and man-
7 agement models to prevent campus violence;

8 (6) coordinate campus safety information (in-
9 cluding ways to increase off-campus housing safety)
10 and resources available from the Department of Jus-
11 tice, the Department of Homeland Security, the De-
12 partment of Education, State, local, and tribal gov-
13 ernments and law enforcement agencies, and private
14 and nonprofit organizations and associations;

15 (7) increase cooperation, collaboration, and con-
16 sistency in prevention, response, and problem-solving
17 methods among law enforcement, mental health, and
18 other agencies and jurisdictions serving institutions
19 of higher education in the United States;

20 (8) develop standardized formats and models
21 for mutual aid agreements and memoranda of un-
22 derstanding between campus security agencies and
23 other public safety organizations and mental health
24 agencies; and

1 (9) report annually to Congress and the Attor-
2 ney General on activities performed by the Center
3 during the previous 12 months.

4 (b) COORDINATION WITH AVAILABLE RESOURCES.—

5 In establishing the Center, the Attorney General shall—

6 (1) consult with the Secretary of Homeland Se-
7 curity, the Secretary of Education, and the Attor-
8 neys General of each State; and

9 (2) coordinate the establishment and operation
10 of the Center with campus public safety resources
11 that may already be available within the Department
12 of Homeland Security and the Department of Edu-
13 cation.

14 (c) DEFINITION OF INSTITUTION OF HIGHER EDU-
15 CATION.—In this section, the term “institution of higher
16 education” has the meaning given the term in section 101
17 of the Higher Education Act of 1965 (20 U.S.C. 1001).

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$2,750,000 for each of the fiscal years 2008 and 2009
21 and such sums as may be necessary thereafter.

22 (e) SENSE OF THE HOUSE OF REPRESENTATIVES.—
23 It is the sense of the House of Representatives that in
24 order to increase awareness of the importance of student
25 safety in off-campus housing that is located in the areas

1 surrounding colleges and universities, the following should
2 be encouraged:

3 (1) The creation of chapters at colleges and
4 universities that aim to raise awareness of the issue
5 of off-campus student safety.

6 (2) Public awareness on the benefits of security
7 measures that may increase the safety of students
8 living in off-campus housing.

9 (3) Collaborative partnerships between Federal
10 agencies, local law enforcement agencies, non-profit
11 organizations, colleges and universities, and commu-
12 nities to disseminate information and best practices
13 related to off-campus housing safety for students.

14 **SEC. 953. PRIVATE LOAN FORGIVENESS.**

15 Notwithstanding any other provision of law—

16 (1) a public or private institution of higher edu-
17 cation may provide an officer or employee of any
18 branch of the United States Government, of any
19 independent agency of the United States, or of the
20 District of Columbia who is a current or former stu-
21 dent of such institution, financial assistance for the
22 purpose of repaying a student loan or providing for-
23 bearance of student loan repayment: *Provided*, That
24 such repaying or providing forbearance is provided
25 to any such officer or employee in accordance with

1 a written, published policy of the institution relating
2 to repaying or providing forbearance, respectively,
3 for students or former students who perform public
4 service; and

5 (2) an officer or employee of any branch of the
6 United States Government, of any independent
7 agency of the United States, or of the District of
8 Columbia may receive repayment or forbearance per-
9 mitted under paragraph (1).

10 **PART E—STEVENSON-WYDLER TECHNOLOGY**

11 **INNOVATION ACT OF 1980**

12 **SEC. 961. ESTABLISHMENT OF PROGRAM.**

13 Section 5 of the Stevenson-Wydler Technology Inno-
14 vation Act of 1980 (15 U.S.C. 3704) is amended by insert-
15 ing the following after subsection (b):

16 “(c) MINORITY SERVING INSTITUTION DIGITAL AND
17 WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a Minority Serving Institution Digital and Wire-
20 less Technology Opportunity Program to assist eligi-
21 ble institutions in acquiring, and augmenting their
22 use of, digital and wireless networking technologies
23 to improve the quality and delivery of educational
24 services at eligible institutions.

1 “(2) AUTHORIZED ACTIVITIES.—An eligible in-
2 stitution may use a grant, cooperative agreement, or
3 contract awarded under this subsection—

4 “(A) to acquire equipment, instrumenta-
5 tion, networking capability, hardware and soft-
6 ware, digital network technology, wireless tech-
7 nology, and infrastructure to further the objec-
8 tive of the Program described in paragraph (1);

9 “(B) to develop and provide training, edu-
10 cation, and professional development programs,
11 including faculty development, to increase the
12 use of, and usefulness of, digital and wireless
13 networking technology;

14 “(C) to provide teacher education, includ-
15 ing the provision of preservice teacher training
16 and in-service professional development at eligi-
17 ble institutions, library and media specialist
18 training, and preschool and teacher aid certifi-
19 cation to individuals who seek to acquire or en-
20 hance technology skills in order to use digital
21 and wireless networking technology in the class-
22 room or instructional process, including instruc-
23 tion in science, mathematics, engineering, and
24 technology subjects;

1 “(D) to obtain capacity-building technical
2 assistance, including through remote technical
3 support, technical assistance workshops, and
4 distance learning services; and

5 “(E) to foster the use of digital and wire-
6 less networking technology to improve research
7 and education, including scientific, mathe-
8 matics, engineering, and technology instruction.

9 “(3) APPLICATION AND REVIEW PROCE-
10 DURES.—

11 “(A) IN GENERAL.—To be eligible to re-
12 ceive a grant, cooperative agreement, or con-
13 tract under this subsection, an eligible institu-
14 tion shall submit an application to the Sec-
15 retary at such time, in such manner, and con-
16 taining such information as the Secretary may
17 require. Such application, at a minimum, shall
18 include a description of how the funds will be
19 used, including a description of any digital and
20 wireless networking technology to be acquired,
21 and a description of how the institution will en-
22 sure that digital and wireless networking will be
23 made accessible to, and employed by, students,
24 faculty, and administrators. The Secretary, con-
25 sistent with subparagraph (C) and in consulta-

tion with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

“(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

“(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible

1 institution shall be reviewed by a panel of indi-
2 viduals selected by the Secretary to judge the
3 quality and merit of the proposal, including the
4 extent to which the eligible institution can effec-
5 tively and successfully utilize the proposed
6 grant, cooperative agreement, or contract to
7 carry out the program described in paragraph
8 (1). The Secretary shall ensure that the review
9 panels include representatives of minority serv-
10 ing institutions and others who are knowledge-
11 able about eligible institutions and technology
12 issues. The Secretary shall ensure that no indi-
13 vidual assigned under this subsection to review
14 any application has a conflict of interest with
15 regard to that application. The Secretary shall
16 take into consideration the recommendations of
17 the review panel in determining whether to
18 award a grant, cooperative agreement, or con-
19 tract to an eligible institution.

20 “(D) INFORMATION DISSEMINATION.—The
21 Secretary shall convene an annual meeting of
22 eligible institutions receiving grants, cooperative
23 agreements, or contracts under this subsection
24 to foster collaboration and capacity-building ac-
25 tivities among eligible institutions.

1 “(E) MATCHING REQUIREMENT.—The
2 Secretary may not award a grant, cooperative
3 agreement, or contract to an eligible institution
4 under this subsection unless such institution
5 agrees that, with respect to the costs incurred
6 by the institution in carrying out the program
7 for which the grant, cooperative agreement, or
8 contract was awarded, such institution shall
9 make available, directly, or through donations
10 from public or private entities, non-Federal con-
11 tributions in an amount equal to one-quarter of
12 the grant, cooperative agreement, or contract
13 awarded by the Secretary, or \$500,000, which-
14 ever is the lesser amount. The Secretary shall
15 waive the matching requirement for any institu-
16 tion or consortium with no endowment, or an
17 endowment that has a current dollar value
18 lower than \$50,000,000.

19 “(F) AWARDS.—

20 “(i) LIMITATION.—An eligible institu-
21 tion that receives a grant, cooperative
22 agreement, or contract under this sub-
23 section that exceeds \$2,500,000 shall not
24 be eligible to receive another grant, cooper-
25 ative agreement, or contract.

1 “(ii) CONSORTIA.—Grants, coopera-
2 tive agreements, and contracts may only be
3 awarded to eligible institutions. Eligible in-
4 stitutions may seek funding under this
5 subsection for consortia which may include
6 other eligible institutions, a State or a
7 State education agency, local education
8 agencies, institutions of higher education,
9 community-based organizations, national
10 nonprofit organizations, or businesses, in-
11 cluding minority businesses.

12 “(iii) PLANNING GRANTS.—The Sec-
13 retary may provide funds to develop stra-
14 tegic plans to implement such grants, co-
15 operative agreements, or contracts.

16 “(iv) INSTITUTIONAL DIVERSITY.—In
17 awarding grants, cooperative agreements,
18 and contracts to eligible institutions, the
19 Secretary shall ensure, to the extent prac-
20 ticable, that awards are made to all types
21 of institutions eligible for assistance under
22 this subsection.

23 “(v) NEED.—In awarding funds
24 under this subsection, the Secretary shall

1 give priority to the institution with the
2 greatest demonstrated need for assistance.

3 “(G) ANNUAL REPORT AND EVALUA-
4 TION.—

5 “(i) ANNUAL REPORT REQUIRED
6 FROM RECIPIENTS.—Each institution that
7 receives a grant, cooperative agreement, or
8 contract awarded under this subsection
9 shall provide an annual report to the Sec-
10 retary on its use of the grant, cooperative
11 agreement, or contract.

12 “(ii) INDEPENDENT ASSESSMENT.—
13 Not later than 6 months after the date of
14 enactment of this subsection, the Secretary
15 shall enter into a contract with the Na-
16 tional Academy of Public Administration
17 to conduct periodic assessments of the pro-
18 gram. The Assessments shall be conducted
19 once every 3 years during the 10-year pe-
20 riod following the enactment of this sub-
21 section. The assessments shall include an
22 evaluation of the effectiveness of the pro-
23 gram in improving the education and
24 training of students, faculty and staff at
25 eligible institutions that have been awarded

1 grants, cooperative agreements, or con-
2 tracts under the program; an evaluation of
3 the effectiveness of the program in improv-
4 ing access to, and familiarity with, digital
5 and wireless networking technology for stu-
6 dents, faculty, and staff at all eligible insti-
7 tutions; an evaluation of the procedures es-
8 tablished under paragraph (3)(A); and rec-
9 ommendations for improving the program,
10 including recommendations concerning the
11 continuing need for Federal support. In
12 carrying out its assessments, the National
13 Academy of Public Administration shall re-
14 view the reports submitted to the Secretary
15 under clause (i).

16 “(iii) REPORT TO CONGRESS.—Upon
17 completion of each independent assessment
18 carried out under clause (ii), the Secretary
19 shall transmit the assessment to Congress
20 along with a summary of the Secretary’s
21 plans, if any, to implement the rec-
22 ommendations of the National Academy of
23 Public Administration.

24 “(H) DEFINITIONS.—In this subsection:

1 “(i) DIGITAL AND WIRELESS NET-
2 WORKING TECHNOLOGY.—The term ‘dig-
3 ital and wireless networking technology’
4 means computer and communications
5 equipment and software that facilitates the
6 transmission of information in a digital
7 format.

8 “(ii) ELIGIBLE INSTITUTION.—The
9 term ‘eligible institution’ means an institu-
10 tion that is—

11 “(I) a historically Black college
12 or university that is a part B institu-
13 tion, as defined in section 322(2) of
14 the Higher Education Act of 1965 (20
15 U.S.C. 1061(2)), an institution de-
16 scribed in section 326(e)(1)(A), (B),
17 or (C) of that Act (20 U.S.C.
18 1063b(e)(1)(A), (B), or (C)), or a
19 consortium of institutions described in
20 this subparagraph;

21 “(II) a Hispanic-serving institu-
22 tion, as defined in section 502(a)(5)
23 of the Higher Education Act of 1965
24 (20 U.S.C. 1101a(a)(5));

1 “(III) a tribally controlled college
2 or university, as defined in section
3 316(b)(3) of the Higher Education
4 Act of 1965 (20 U.S.C. 1059c(b)(3));

5 “(IV) an Alaska Native-serving
6 institution under section 317(b) of the
7 Higher Education Act of 1965 (20
8 U.S.C. 1059d(b));

9 “(V) a Native Hawaiian-serving
10 institution under section 317(b) of the
11 Higher Education Act of 1965 (20
12 U.S.C. 1059d(b)); or

13 “(VI) an institution of higher
14 education (as defined in section 365
15 of the Higher Education Act of 1965
16 (20 U.S.C. 1067k)) with an enroll-
17 ment of needy students (as defined in
18 section 312(d) of the Higher Edu-
19 cation Act of 1965 (20 U.S.C.
20 1058(d))).

21 “(iii) INSTITUTION OF HIGHER EDU-
22 CATION.—The term ‘institution of higher
23 education’ has the meaning given the term
24 in section 101 of the Higher Education
25 Act of 1965 (20 U.S.C. 1001).

1 “(iv) LOCAL EDUCATIONAL AGEN-
2 CY.—The term ‘local educational agency’
3 has the meaning given the term in section
4 9101 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7801).

6 “(v) MINORITY BUSINESS.—The term
7 ‘minority business’ includes HUBZone
8 small business concerns (as defined in sec-
9 tion 3(p) of the Small Business Act (15
10 U.S.C. 632(p))).

11 “(vi) MINORITY INDIVIDUAL.—The
12 term ‘minority individual’ means an Amer-
13 ican Indian, Alaskan Native, Black (not of
14 Hispanic origin), Hispanic (including per-
15 sons of Mexican, Puerto Rican, Cuban and
16 Central or South American origin), or Pa-
17 cific Islander individual.

18 “(vii) STATE.—The term ‘State’ has
19 the meaning given the term in section
20 9101 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7801).

22 “(viii) STATE EDUCATIONAL AGEN-
23 CY.—The term ‘State educational agency’
24 has the meaning given the term in section
25 9101 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C.
2 7801).”.

3 **SEC. 962. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Commerce to carry out section 5(c) of the Ste-
6 venson-Wydlar Technology Innovation Act of 1980—

7 (1) \$250,000,000 for fiscal year 2008; and

8 (2) such sums as may be necessary for each of
9 the fiscal years 2009 through 2012.

10 **TITLE X—PRIVATE STUDENT**
11 **LOAN TRANSPARENCY AND**
12 **IMPROVEMENT**

13 **SEC. 1001. SHORT TITLE.**

14 This title may be cited as the “Private Student Loan
15 Transparency and Improvement Act of 2008”.

16 **SEC. 1002. DEFINITIONS.**

17 As used in this title—

18 (1) the term “Board” means the Board of Gov-
19 ernors of the Federal Reserve System;

20 (2) the term “covered educational institu-
21 tion”—

22 (A) means any educational institution that
23 offers a postsecondary educational degree, cer-
24 tificate, or program of study (including any in-
25 stitution of higher education); and

1 (B) includes an agent or employee of the
2 educational institution;

3 (3) the terms “Federal banking agencies” and
4 “appropriate Federal banking agency” have the
5 same meanings as in section 3 of the Federal De-
6 posit Insurance Act (12 U.S.C. 1813);

7 (4) the term “institution of higher education”
8 has the same meaning as in section 102 of the High-
9 er Education Act of 1965 (20 U.S.C. 1002);

10 (5) the term “postsecondary educational ex-
11 penses” means any of the expenses that are included
12 as part of the cost of attendance of a student, as de-
13 fined under section 472 of the Higher Education Act
14 of 1965 (20 U.S.C. 1087ll);

15 (6) the term “private educational lender”
16 means any creditor (as defined in section 103 of the
17 Truth in Lending Act) which solicits, makes, or ex-
18 tends private educational loans; and

19 (7) the term “private educational loan”—

20 (A) means a loan provided by a private
21 educational lender that—

22 (i) is not made, insured, or guaran-
23 teed under title IV of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1070 et
25 seq.); and

1 (ii) is issued by a private educational
2 lender expressly for postsecondary edu-
3 cational expenses to a student, or the par-
4 ent of the student, regardless of whether
5 the loan involves enrollment certification
6 by the educational institution that the stu-
7 dent attends, or whether the loan is pro-
8 vided through the educational institution
9 that the subject student attends or directly
10 to the borrower from the lender; and

11 (B) does not include an extension of credit
12 under an open end consumer credit plan, a re-
13 verse mortgage transaction, a residential mort-
14 gage transaction (as those terms are defined in
15 section 103 of the Truth in Lending Act), or
16 any other loan that is secured by real property
17 or a dwelling.

18 **SEC. 1003. REGULATIONS.**

19 The Board shall issue final regulations to implement
20 this title and the amendments made by this title not later
21 than 180 days after the date of enactment of this title.

22 **SEC. 1004. EFFECTIVE DATES.**

23 This title and the amendments made by this title
24 shall become effective 180 days after the date on which

1 regulations to carry out this title and the amendments
 2 made by this title are issued in final form.

3 **Subtitle A—Preventing Unfair and**
 4 **Deceptive Private Educational**
 5 **Lending Practices and Elimi-**
 6 **nating Conflicts of Interest**

7 **SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.**

8 (a) IN GENERAL.—Chapter 2 of the Truth in Lend-
 9 ing Act (15 U.S.C. 1631 et seq.) is amended by adding
 10 at the end the following new section:

11 **“§ 140. Preventing unfair and deceptive private edu-**
 12 **cational lending practices and elimi-**
 13 **nating conflicts of interest**

14 “(a) DEFINITIONS.—For purposes of this section, the
 15 following definitions shall apply:

16 “(1) COVERED EDUCATIONAL INSTITUTION.—
 17 The term ‘covered educational institution’—

18 “(A) means any educational institution
 19 that offers a postsecondary educational degree,
 20 certificate, or program of study (including any
 21 institution of higher education); and

22 “(B) includes an agent or employee of the
 23 educational institution.

24 “(2) GIFT.—The term ‘gift’—

1 “(A) means any gratuity, favor, discount,
2 entertainment, hospitality, loan, or other item
3 having a monetary value of more than a de
4 minimis amount, including a gift of services,
5 transportation, lodging, or meals, whether pro-
6 vided in kind, by purchase of a ticket, payment
7 in advance, or reimbursement after the expense
8 has been incurred;

9 “(B) does not include—

10 “(i) standard material, activities, or
11 programs on issues related to a loan, de-
12 fault aversion, default prevention, or finan-
13 cial literacy, such as a brochure, a work-
14 shop, or training;

15 “(ii) food, refreshments, training, or
16 informational material furnished to an em-
17 ployee or agent of a covered educational in-
18 stitution, as an integral part of a training
19 session that is designed to improve the
20 service of the private educational lender to
21 the covered educational institution, if such
22 training contributes to the professional de-
23 velopment of the employee or agent of the
24 covered educational institution;

1 “(iii) favorable terms, conditions, and
2 borrower benefits on an educational loan
3 provided to a student employed by the cov-
4 ered educational institution if such terms,
5 conditions, or benefits are comparable to
6 those provided to all students of the insti-
7 tution;

8 “(iv) the provision of financial literacy
9 counseling or services to students or par-
10 ents, including counseling or services pro-
11 vided in coordination with a covered edu-
12 cational institution, to the extent that such
13 counseling or services—

14 “(I) are not undertaken to secure
15 applications for private educational
16 loans or to secure private educational
17 loan volume;

18 “(II) are not undertaken to se-
19 cure applications or loan volume for
20 any loan made, insured, or guaranteed
21 under part B of title IV of the Higher
22 Education Act of 1965; and

23 “(III) do not promote the prod-
24 ucts or services of any private edu-
25 cational lender;

1 “(v) philanthropic contributions to a
2 covered institution from a private edu-
3 cational lender that are unrelated to edu-
4 cational loans, to the extent that such con-
5 tributions are disclosed pursuant to para-
6 graphs (1) and (2) of section 153(a) of the
7 Higher Education Act of 1965, if applica-
8 ble; or

9 “(vi) State education grants, scholar-
10 ships, or financial aid funds administered
11 by or on behalf of a State; and

12 “(C) includes a gift to a family member of
13 an officer, employee, or agent of a covered insti-
14 tution, or a gift to any other individual based
15 on that individual’s relationship with the offi-
16 cer, employee, or agent, if—

17 “(i) the gift is given with the knowl-
18 edge and acquiescence of the officer, em-
19 ployee, or agent; and

20 “(ii) the officer, employee, or agent
21 has reason to believe the gift was given be-
22 cause of the official position of the officer,
23 employee, or agent.

24 “(3) INSTITUTION OF HIGHER EDUCATION.—
25 the term ‘institution of higher education’ has the

1 same meaning as in section 102 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1002).

3 “(4) POSTSECONDARY EDUCATIONAL EX-
4 PENSE.—The term ‘postsecondary educational ex-
5 penses’ means any of the expenses that are included
6 as part of the cost of attendance of a student, as de-
7 fined under section 472 of the Higher Education Act
8 of 1965 (20 U.S.C. 1087ll).

9 “(5) PRIVATE EDUCATIONAL LENDER.—The
10 term ‘private educational lender’ means a creditor
11 which solicits, makes, or extends private educational
12 loans.

13 “(6) PRIVATE EDUCATIONAL LOAN.—The term
14 ‘private educational loan’—

15 “(A) means a loan provided by a private
16 educational lender that—

17 “(i) is not made, insured, or guaran-
18 teed under title IV of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1070 et
20 seq.); and

21 “(ii) is issued by a private educational
22 lender expressly for postsecondary edu-
23 cational expenses to a student, or the par-
24 ent of the student, regardless of whether
25 the loan involves enrollment certification

1 by the educational institution that the stu-
2 dent attends, or whether the loan is pro-
3 vided through the educational institution
4 that the subject student attends or directly
5 to the borrower from the lender; and

6 “(B) does not include an extension of cred-
7 it under an open end consumer credit plan, a
8 reverse mortgage transaction, a residential
9 mortgage transaction (as those terms are de-
10 fined in section 103 of the Truth in Lending
11 Act), or any other loan that is secured by real
12 property or a dwelling.

13 “(7) REVENUE SHARING.—the term ‘revenue
14 sharing’ means an arrangement between a covered
15 educational institution and a private educational
16 lender under which—

17 “(A) a private educational lender provides
18 or issues private educational loans to students
19 attending the covered educational institution or
20 to the parents of such students;

21 “(B) the covered educational institution
22 recommends to students or others the private
23 educational lender or the private educational
24 loans of the private educational lender; and

1 “(C) the private educational lender pays a
2 fee or provides other material benefits, includ-
3 ing profit or revenue sharing, to the covered
4 educational institution or to the officers, em-
5 ployees, or agents of the covered educational in-
6 stitution in connection with the private edu-
7 cational loans provided to students attending
8 the covered educational institution or a bor-
9 rower acting on behalf of a student.

10 “(b) PROHIBITION ON CERTAIN GIFTS AND AR-
11 RANGEMENTS.—A private educational lender, including
12 any officer or employee thereof, may not, directly or indi-
13 rectly—

14 “(1) offer or provide any gift to a covered edu-
15 cational institution or a covered educational institu-
16 tion employee, nor may such covered educational in-
17 stitution, officer, or employee receive any such gift,
18 in exchange for any advantage or consideration pro-
19 vided to such private educational lender related to
20 its private educational loan activities; or

21 “(2) engage in revenue sharing with a covered
22 educational institution.

23 “(c) PROHIBITION ON CO-BRANDING.—A private
24 educational lender may not use the name, emblem, mascot,
25 or logo of the covered educational institution, or other

1 words, pictures, or symbols readily identified with the cov-
2 ered educational institution, in the marketing of private
3 educational loans in any way that implies that the covered
4 educational institution endorses the private educational
5 loans offered by the lender.

6 “(d) BAN ON PARTICIPATION ON ADVISORY COUN-
7 CILS.—

8 “(1) IN GENERAL.—An officer, employee, or
9 agent who is employed in the financial aid office of
10 a covered institution, or who otherwise has respon-
11 sibilities with respect to private educational loans,
12 shall not serve on or otherwise participate with advi-
13 sory councils of private educational lenders or affili-
14 ates of such lenders.

15 “(2) RULES OF CONSTRUCTION.—No provision
16 of this subsection shall be construed as—

17 “(A) prohibiting private educational lend-
18 ers from seeking advice from covered institu-
19 tions or groups of covered institutions (includ-
20 ing through telephonic or electronic means, or
21 a meeting) in order to improve products and
22 services for borrowers, to the extent that no
23 gifts or compensation (including for transpor-
24 tation, lodging, or related expenses) are pro-
25 vided by private educational lenders in connec-

1 tion with seeking this advice from such institu-
2 tions; or

3 “(B) prohibiting an employee, officer, or
4 agent of a covered institution from serving on
5 the board of directors of a private educational
6 lender, if required by State law.

7 “(e) PROHIBITION ON PREPAYMENT OR REPAYMENT
8 FEES OR PENALTY.—It shall be unlawful for any private
9 educational lender to impose a fee or penalty on a bor-
10 rower, directly or indirectly, for early repayment or pre-
11 payment, of any private educational loan.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 2 of the Truth in Lending Act is amended
14 by inserting after the item relating to section 139 the fol-
15 lowing new item:

 “140. Preventing unfair and deceptive private educational lending practices and
 eliminating conflicts of interest.”.

16 **SEC. 1012. CIVIL LIABILITY.**

17 Section 130 of the Truth in Lending Act (15 U.S.C.
18 1640) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (3), by inserting “or sec-
21 tion 128(e)(8)” after “section 125”; and

22 (B) in the fourth sentence of the undesig-
23 nated matter at the end—

1 (i) by striking “125 or” and inserting
 2 “125,”; and

3 (ii) by inserting “128(e)(8), or” after
 4 “125,”; and

5 (2) in subsection (e), by inserting before the
 6 first period, the following: “or, in the case of a viola-
 7 tion involving a private educational loan, 1 year
 8 from the date on which the first regular payment of
 9 principal is due under the loan”.

10 **Subtitle B—Improved Disclosures** 11 **for Private Educational Loans**

12 **SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES** 13 **AND LIMITATIONS.**

14 Section 128 of the Truth in Lending Act (15 U.S.C.
 15 1638) is amended by adding at the end the following new
 16 subsection:

17 “(e) TERMS AND DISCLOSURE WITH RESPECT TO
 18 PRIVATE EDUCATIONAL LOANS.—

19 “(1) DISCLOSURES REQUIRED IN PRIVATE EDU-
 20 CATIONAL LOAN APPLICATIONS AND SOLICITA-
 21 TIONS.—In any application for a private educational
 22 loan, or a solicitation for a private educational loan
 23 without requiring an application, the creditor shall
 24 disclose to the borrower, clearly and conspicuously—

1 “(A) the potential range of rates of inter-
2 est applicable to the private educational loan;

3 “(B) whether the rate of interest applica-
4 ble to the private educational loan is fixed or
5 variable;

6 “(C) limitations on interest rate adjust-
7 ments, both in terms of frequency and amount,
8 or the lack thereof;

9 “(D) requirements for a co-borrower, in-
10 cluding any changes in the applicable interest
11 rates without a co-borrower;

12 “(E) potential finance charges, late fees,
13 penalties, and adjustments to principal, based
14 on defaults or late payments of the borrower;

15 “(F) fees or range of fees applicable to the
16 private educational loan;

17 “(G) the term of the private educational
18 loan;

19 “(H) whether interest will accrue while the
20 student to whom the private educational loan
21 relates is enrolled at an institution of higher
22 education;

23 “(I) payment deferral options, including
24 whether the deferment would apply to interest
25 or principal, or both;

1 “(J) general eligibility criteria for the pri-
2 vate educational loan;

3 “(K) an example of the total cost of the
4 private educational loan over the life of the
5 loan—

6 “(i) which shall be calculated using
7 the principal amount and the maximum
8 rate of interest actually offered by the
9 creditor; and

10 “(ii) calculated both with and without
11 capitalization of interest, if that is an op-
12 tion for postponing interest payments;

13 “(L) a statement that an institution of
14 higher education may have school-specific edu-
15 cational loan benefits and terms not detailed on
16 the disclosure form;

17 “(M) that the borrower may qualify for
18 Federal financial assistance through a program
19 under title IV of the Higher Education Act of
20 1965, in lieu of, or in addition to, a loan from
21 a non-Federal source;

22 “(N) the interest rates available with re-
23 spect to such Federal financial assistance
24 through a program under title IV of the Higher
25 Education Act of 1965;

1 “(O) that the consumer may obtain addi-
2 tional information concerning such Federal fi-
3 nancial assistance from their institution of
4 higher education or at the website of the De-
5 partment of Education;

6 “(P) that, as provided in paragraph (6)—

7 “(i) the borrower shall have up to 30
8 calendar days following the date on which
9 the application for the private educational
10 loan is approved and the borrower receives
11 the disclosure documents required under
12 this subsection for the loan to accept the
13 terms of the private educational loan and
14 consummate the transaction; and

15 “(ii) except for changes based on ad-
16 justments to the index used for a loan, the
17 rates and terms of the loan may not be
18 changed by the creditor during that 30-day
19 period; and

20 “(Q) such other information as the Board
21 shall prescribe, by rule, as necessary or appro-
22 priate for consumers to make informed bor-
23 rowing decisions.

24 “(2) WRITTEN ACKNOWLEDGMENT OF RE-
25 CEIPT.—In each case in which a disclosure is pro-

1 vided pursuant to paragraph (1) and an application
2 initiated, a creditor shall obtain a written acknowl-
3 edgment from the consumer that the consumer has
4 read and understood the disclosure. The form of
5 such written acknowledgment shall be subject to the
6 regulations of the Board.

7 “(3) DISCLOSURES AT THE TIME OF PRIVATE
8 EDUCATIONAL LOAN APPROVAL.—Subject to the
9 rules of the Board, contemporaneously with the ap-
10 proval of a private educational loan application, and
11 before the loan transaction is consummated, the
12 creditor shall disclose to the borrower, clearly and
13 conspicuously—

14 “(A) the applicable rate of interest in ef-
15 fect on the date of approval;

16 “(B) whether the rate of interest applica-
17 ble to the private educational loan is fixed or
18 variable;

19 “(C) limitations on interest rate adjust-
20 ments, both in terms of frequency and amount,
21 or the lack thereof;

22 “(D) the initial approved principal amount;

23 “(E) applicable finance charges, late fees,
24 penalties, and adjustments to principal, based
25 upon borrower defaults or late payments;

1 “(F) the maximum term under the private
2 educational loan program;

3 “(G) an estimate of the total amount for
4 repayment, at both the interest rate in effect on
5 the date of approval and at the maximum pos-
6 sible rate of interest actually offered by the
7 creditor, to the extent that such maximum rate
8 may be determined, or if not, a good faith esti-
9 mate thereof;

10 “(H) any principal and interest payments
11 required while the student to whom the private
12 educational loan relates is enrolled at an insti-
13 tution of higher education and interest which
14 will accrue during such enrollment;

15 “(I) payment deferral options, including
16 whether the deferment would apply to interest
17 or principal, or both;

18 “(J) whether monthly payments are grad-
19 uated;

20 “(K) that, as provided in paragraph (7)—

21 “(i) the borrower shall have up to 30
22 calendar days following the date on which
23 the application for the private educational
24 loan is approved and the borrower receives
25 the disclosure documents required under

1 this subsection for the loan to accept the
2 terms of the private educational loan and
3 consummate the transaction; and

4 “(ii) except for changes based on ad-
5 justments to the index used for a loan, the
6 rates and terms of the loan may not be
7 changed by the creditor during that 30-day
8 period;

9 “(L) that the borrower may qualify for
10 Federal financial assistance through a program
11 under title IV of the Higher Education Act of
12 1965, in lieu of, or in addition to, a loan from
13 a non-Federal source;

14 “(M) the interest rates available with re-
15 spect to such Federal financial assistance
16 through a program under title IV of the Higher
17 Education Act of 1965;

18 “(N) the maximum monthly payment, cal-
19 culated using the maximum rate of interest ac-
20 tually offered by the creditor, to the extent that
21 such maximum rate may be determined, or if
22 not, a good faith estimate thereof; and

23 “(O) such other information as the Board
24 shall prescribe, by rule, as necessary or appro-

1 priate for consumers to make informed bor-
2 rowing decisions.

3 “(4) INSTITUTIONAL CERTIFICATION RE-
4 QUIRED.—Before a creditor may issue any funds
5 with respect to an extension of credit described in
6 paragraph (1), the creditor shall obtain from the rel-
7 evant institution of higher education such institu-
8 tion’s certification of—

9 “(A) the enrollment status of the borrower;

10 “(B) the borrower’s cost of attendance at
11 the institution as determined by the institution
12 under part F of title IV of the Higher Edu-
13 cation Act of 1965; and

14 “(C) the difference between the borrower’s
15 cost of attendance and the borrower’s estimated
16 financial assistance received under title IV of
17 the Higher Education Act of 1965 and other
18 assistance known to the institution.

19 “(5) DISCLOSURES AT THE TIME OF PRIVATE
20 EDUCATIONAL LOAN CONSUMMATION.—Subject to
21 the regulations prescribed by the Board, contem-
22 poraneously with the consummation of a private edu-
23 cational loan, the creditor shall make each of the
24 disclosures described in subparagraphs (A) through

1 (J) and (L) through (O) of paragraph (3) to the
2 borrower.

3 “(6) FORMAT OF DISCLOSURES.—Disclosures
4 required under paragraphs (1), (3), and (5) shall ap-
5 pear in a clearly legible, uniform format, subject to
6 section 122(c).

7 “(7) EFFECTIVE PERIOD OF APPROVED RATE
8 OF INTEREST AND LOAN TERMS.—

9 “(A) IN GENERAL.—With respect to a pri-
10 vate educational loan, the borrower shall have
11 the right to accept the terms of the loan and
12 consummate the transaction at any time within
13 30 calendar days following the date on which
14 the application for the private educational loan
15 is approved and the borrower receives the dis-
16 closure documents required under this sub-
17 section for the loan, and the rates and terms of
18 the loan may not be changed by the creditor
19 during that period, subject to the rules of the
20 Board.

21 “(B) PROHIBITION ON CHANGES.—Except
22 for changes based on adjustments to the index
23 used for a loan, the rates and terms of the loan
24 may not be changed by the creditor prior to the
25 earlier of—

1 “(i) the date of acceptance of the
2 terms of the loan and consummation of the
3 transaction by the borrower, as described
4 in subparagraph (A); or

5 “(ii) the expiration of the 30-day pe-
6 riod referred to in subparagraph (A).

7 “(C) PROHIBITION ON DISBURSEMENT.—
8 No funds may be disbursed with respect to a
9 private educational loan until acceptance of the
10 loan by the borrower under subparagraph (A)
11 and the expiration of the 3-day period under
12 paragraph (7).

13 “(8) RIGHT TO CANCEL.—With respect to a
14 private educational loan, the borrower may cancel
15 the loan, without penalty to the borrower, at any
16 time within 3 business days of the date on which the
17 loan is consummated, subject to the rules of the
18 Board. No funds may be transferred to the borrower
19 during that 3-day period.

20 “(9) PROVISION OF INFORMATION.—On or be-
21 fore the date a creditor issues any funds with re-
22 spect to an extension of credit described in para-
23 graph (1), the creditor shall notify the relevant insti-
24 tution of higher education, in writing, of the amount
25 of the extension of credit and the student on whose

1 behalf credit is extended. The form of such written
2 notification shall be subject to the regulations of the
3 Board.

4 “(10) DEFINITIONS.—For purposes of this sub-
5 section, the following definitions shall apply:

6 “(A) INSTITUTION OF HIGHER EDU-
7 CATION.—The term ‘institution of higher edu-
8 cation’ has the same meaning as in section 102
9 of the Higher Education Act of 1965 (20
10 U.S.C. 1002).

11 “(B) PRIVATE EDUCATIONAL LENDER.—
12 The term ‘private educational lender’ means
13 any creditor engaged in the business of solici-
14 ting, making, or extending private educational
15 loans.

16 “(C) PRIVATE EDUCATIONAL LOAN.—The
17 term ‘private educational loan’—

18 “(i) means a loan provided by a pri-
19 vate educational lender that—

20 “(I) is not made, insured, or
21 guaranteed under title IV of the
22 Higher Education Act of 1965 (20
23 U.S.C. 1070 et seq.); and

24 “(II) is issued by a private edu-
25 cational lender expressly for postsec-

1 ondary educational expenses to a stu-
2 dent, or the parent of the student, re-
3 gardless of whether the loan involves
4 enrollment certification by the edu-
5 cational institution that the student
6 attends, or whether the loan is pro-
7 vided through the educational institu-
8 tion that the subject student attends
9 or directly to the borrower from the
10 lender; and

11 “(ii) does not include an extension of
12 credit under an open end consumer credit
13 plan, a reverse mortgage transaction, a
14 residential mortgage transaction (as those
15 terms are defined in section 103 this Act),
16 or any other loan that is secured by real
17 property or a dwelling.”.

18 **SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO**
19 **ALL PRIVATE EDUCATIONAL LOANS.**

20 Section 104(3) of the Truth in Lending Act (15
21 U.S.C. 1603(3)) is amended by inserting “and other than
22 private educational loans (as that term is defined in sec-
23 tion 140(a))” after “consumer”.

1 **Subtitle C—Financial Literacy**

2 **SEC. 1031. COORDINATED EDUCATION EFFORTS.**

3 (a) IN GENERAL.—The Secretary of the Treasury (in
4 this section referred to as the “Secretary”), in coordina-
5 tion with the Secretary of Education, the Secretary of Ag-
6 riculture (with respect to land grant covered educational
7 institutions), and any other appropriate agency that is a
8 member of the Financial Literacy and Education Commis-
9 sion established under the Financial Literacy and Edu-
10 cation Improvement Act (20 U.S.C. 9701 et seq.), shall
11 seek to enhance financial literacy among students at insti-
12 tutions of higher education through—

13 (1) the development of initiatives, programs,
14 and curricula that improve student awareness of the
15 short- and long-term costs associated with edu-
16 cational loans and other debt assumed while in col-
17 lege, their repayment obligations, and their rights as
18 borrowers; and

19 (2) assisting such students in navigating the fi-
20 nancial aid process.

21 (b) DUTIES.—For purposes of this section, the Sec-
22 retary, working in conjunction with the Secretary of Edu-
23 cation, the Secretary of Agriculture, and the Financial
24 Literacy and Education Commission, shall—

1 (1) identify programs that promote or enhance
2 financial literacy for college students, with specific
3 emphasis on programs that impart the knowledge
4 and ability for students to best navigate the finan-
5 cial aid process, including those that involve partner-
6 ships between nonprofit organizations, colleges and
7 universities, State and local governments, and stu-
8 dent organizations;

9 (2) evaluate the effectiveness of such programs
10 in terms of measured results, including positive be-
11 havioral change among college students;

12 (3) promote the programs identified as being
13 the most effective; and

14 (4) encourage institutions of higher education
15 to implement financial education programs for their
16 students, including those that have the highest eval-
17 uations.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this title, the Financial Lit-
21 eracy and Education Commission shall submit a re-
22 port to Congress on the state of financial education
23 among students at institutions of higher education.

24 (2) CONTENT.—The report required by this
25 subsection shall include a description of progress

1 made in enhancing financial education with respect
2 to student understanding of financial aid, including
3 the programs and evaluations required by this sec-
4 tion.

5 (3) APPEARANCE BEFORE CONGRESS.—The
6 Secretary shall, upon request, provide testimony be-
7 fore the Committee on Banking, Housing, and
8 Urban Affairs of the Senate concerning the report
9 required by this subsection.

10 **Subtitle D—Study and Report on**
11 **Nonindividual Information**

12 **SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFOR-**
13 **MATION.**

14 (a) STUDY.—The Comptroller General of the United
15 States (in this section referred to as the “Comptroller”)
16 conduct a study—

17 (1) on the impact on and benefits to borrowers
18 of the inclusion of nonindividual factors, including
19 cohort default rate, accreditation, and graduation
20 rate at institutions of higher education, used in the
21 underwriting criteria to determine the pricing of pri-
22 vate educational loans;

23 (2) to examine whether and to what extent the
24 inclusion of such nonindividual factors—

1 (A) increases access to private educational
2 loans for borrowers who lack credit history or
3 results in less favorable rates for such bor-
4 rowers; and

5 (B) impacts the types of private edu-
6 cational loan products and rates available at
7 certain institutions of higher education, includ-
8 ing a comparison of such impact—

9 (i) on private and public institutions;
10 and

11 (ii) on historically Black colleges and
12 universities (defined for purposes of this
13 section as a “part B institution”, within
14 the meaning of section 322 of the Higher
15 Education Act of 1965 (20 U.S.C. 1061))
16 and other colleges and universities; and

17 (3) to assess the extent to which the use of
18 such nonindividual factors in underwriting may have
19 a disparate impact on the pricing of private edu-
20 cational loans, based on gender, race, income level,
21 and institution of higher education.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this title, the Comptroller shall submit
24 a report to Congress on the results of the study required
25 by this section.

1 **Subtitle E—Incentives For Low-**
2 **Cost Educational Loans**

3 **SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL**
4 **LOANS.**

5 Section 804 of the Community Reinvestment Act of
6 1977 (12 U.S.C. 2903) is amended by adding at the end
7 the following new subsection:

8 “(d) LOW-COST EDUCATIONAL LOANS.—In assessing
9 and taking into account, under subsection (a), the record
10 of a financial institution, the appropriate Federal financial
11 supervisory agency shall consider, as a factor, low-cost
12 educational loans provided by the financial institution to
13 low-income borrowers.”.

 Passed the House of Representatives February 7,
2008.

Attest:

Clerk.

110TH CONGRESS
2D SESSION

H. R. 4137

AN ACT

To amend and extend the Higher Education Act of
1965, and for other purposes.